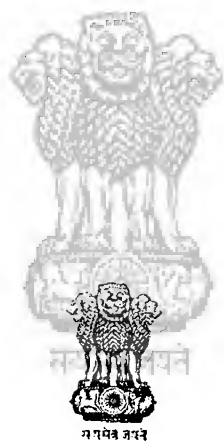


REPORT
OF THE
ADVISORY COMMITTEE
ON THE PRESS COUNCIL
1968



MINISTRY OF INFORMATION AND BROADCASTING
GOVERNMENT OF INDIA, NEW DELHI

CONTENTS

	PAGE
I. Introduction	1
II. Need for a Press Council	8
III. The Present Council	9
IV. Chairman of the Council	10
V. Composition of the Council	12
VI. Regional Councils	19
VII. Powers and functions	21
VIII. Finances for the Council	29
IX. Definitions	32
X. Press Council members may become Members of State Legislatures	35
XI. Service conditions of employees	36
XII. Summary of conclusions and recommendations	37

APPENDICES

Appendix I	Answer given to starred question No. 331 by Shri Krishan Kant in the Rajya Sabha on the 5th December, 1967 and supplementary questions and answers arising out of it	47
Appendix II	Statement of Shri Ganga Sharan Sinha in the Rajya Sabha on the 6th December, 1967 and further discussion arising out of it	54
Appendix III	Observations of the Chairman of the Rajya Sabha on the 7th December, 1967, regarding references made in the House to the working of the Press Council	62
Appendix IV	Statement of the Minister of Information and Broadcasting laying a copy of the statement of the Chairman of the Press Council on the Table of the Rajya Sabha on the 14th December, 1967 and further discussion arising out of it.	66
Appendix V	Statement of the Deputy Minister of Information and Broadcasting along with the statements of the representatives of the Indian Federation of Working Journalists and Shri M. Chalapathi Rau laid on the Table of the Rajya Sabha on the 20th December, 1967 and discussions thereon	77
Appendix VI	List of persons who gave oral evidence before the Committee	101
Appendix VII	List of persons and organisations who submitted written memoranda	102

I. INTRODUCTION

Background : The Press Commission, which submitted its report in 1954, recommended the establishment, by statute, of an all-India Press Council to safeguard the freedom of the Press and to maintain the independence and standards of newspapers in India. In pursuance of that recommendation, the Press Council Act, 1965 was passed.

2. The Press Council of India consists of a Chairman and 25 other Members. In accordance with sub-section (2) of Section 4 of the Act, the Chief Justice of India nominated Shri J. R. Mudholkar then a Judge of the Supreme Court, as the Chairman of the Press Council and his name was notified by the Central Government on the 4th July, 1966 which is also the date of establishment of the Council under Section 3(1) of the Act.

3. Under Section 4 of the Act, out of 25 members of the Council, two were nominated by the Speaker from among the members of the Lok Sabha and one by the Chairman of the Rajya Sabha from among the members of that Sabha. The remaining 22 members were chosen by a nominating committee consisting of the Chief Justice of India, the Chairman of the Press Council and a nominee of the President of India, Smt. Lakshmi N. Menon.

4. According to the provisions of the Act, the aforementioned nominating committee, before nominating the three members from among persons having special knowledge or experience in the field of Education, Science, Literature, Law or Culture, can consult such associations or person as it thinks fit. Similarly, before nominating the remaining 19 members relating to the Press, the committee is required to invite panels of names from such associations as may be notified by the Council in this behalf and in making the nomination, the committee has to pay due regard to the panels of names forwarded to it. Until the time the Council was established, such associations were to be notified by the Central Government. Accordingly, the Central Government notified the following organisations on the 2nd July, 1966 for the purpose of inviting panels of names :

(1) *Newspaper owners and proprietors.*

(Associations of persons referred to in clause (b) of sub-section (3) of Section 4 of the Act.)

1. Indian and Eastern Newspaper Society; and
2. Indian Languages Newspapers Association.

(2) *Working Journalists including editors :*

(Associations of persons referred to in clause (a) of sub-section (3) of Section 4 of the Act.)

1. Indian Federation of Working Journalists;

2. All-India Newspaper Editors' Conference; and
3. Press Association.

5. The nominating committee invited and received panels of names from the above mentioned organisations. That committee met in Delhi on September 3, 1966, and, having considered the names sent in by the organisations, nominated the requisite number of members to the Council. The names of all the members nominated under Section 4ⁱ were notified by the Central Government on the 16th November, 1966 from which date the Council with its full complement of members came into existence.

6. Four of the Members, namely (1) Shri A. C. Banerjee, (2) Shri L. Meenakshi Sundaram (3) Shri A. Raghavan and (4) Shri R. Shamanna were nominated from the panel submitted by the Indian Federation of Working Journalists. In the last week of November, 1966, they submitted their resignations from the membership of the Council primarily because they held that the Council was not constituted in accordance with the provisions of the Act. However, in his opening remarks at the first meeting of the Press Council held in December, 1966, the Chairman observed that on the basis of the interpretation placed on the provisions of the Act, the nominating committee had nominated the members with due regard to the lists of names sent by the three journalists' associations and two associations of proprietors.

7. In February, 1967, the President of the Indian Federation of Working Journalists submitted a memorandum to Government explaining at length the stand of their organisation vis-a-vis the Press Council as constituted now and suggesting measures for the establishment of an effective institution for the promotion of a free and responsible Press in the country. Their main objections were that the All-India Newspaper Editors' Conference and the Press Association should not be recognised as representative organisations for the purpose of submitting panels of names in respect of working journalists including editors and that the nominating committee, referred to in sub-section (4) of section 4 of the Act, had overlooked the restrictions imposed by the Act on the number of persons to be nominated from a newspaper or a group of newspapers. The Federation urged the Government and the Parliament to re-examine the whole question and to take necessary measures for the re-constitution of the Press Council.

8. It was noted that under the Press Council Act, neither the Government nor the Council nor its Chairman had authority to annul, modify or replace any selection. Once the names of the persons, nominated by the nominating committee, are notified they continue in office for three years unless they resign. There is no provision in the Press Council Act to remedy a situation where nomination to the Council was felt to be in contravention of either the spirit or the letter of the law. In the absence of any provisions in the Act empowering any other authority to intervene and rectify the situation or of any machinery to settle such disputes, the Government has no course open to it to follow unless the Press Council Act is amended suitably. However, despite these drawbacks, some informal efforts were made to persuade the Federation to send their nominees to the Council. The Federation did not, however, agree to send in their members unless their fundamental objections were removed. Although their resignations

were kept in abeyance by the Chairman on the advice of the Council for nearly one year, the Chairman of the Council accepted their resignations on the 6th November, 1967.

9. In the course of supplementary questions arising out of the reply given to starred question No. 331 by Shri Krishan Kant in the Rajya Sabha on the 5th December, 1967, certain observations were made about the composition and working of the Press Council. On the 6th December, 1967 Shri Ganga Sharan Sinha, M.P., a member of the Press Council, made a statement in the Rajya Sabha on this subject. Mainly the following points emerged from the statement of Shri Ganga Sharan Sinha and from the observations made by other members in the Rajya Sabha :—

- (a) Although it was the second year of the Press Council's functioning, four seats yet remained unfilled and in that sense the Press Council was incomplete. There was no representation for the working journalists;
- (b) The Press Council had not given attention to matters which should have been considered but had taken up questions unrelated to its functioning; and
- (c) The Press Council had not been taken seriously by the people.

10. On the 7th December, 1967, the Chairman of the Rajya Sabha suggested to the Minister of Information and Broadcasting that he might make a statement after ascertaining the facts and the views of the Chairman of the Press Council. A statement of the Chairman of the Press Council, explaining the position in regard to the observations made by several members on the 5th and 6th December, 1967, was placed before the Rajya Sabha on the 14th December, 1967. In pursuance of further directions of the Rajya Sabha, the statements from the members of the Indian Federation of Working Journalists and Shri M. Chalapathi Rau were also put before the House on the 20th December, 1967. The views of the representatives of the Federation were broadly the same as had been expressed by them earlier in correspondence and discussions. Shri M. Chalapathi Rau's contention was that the nominating committee had not justified the hopes that had been reposed in it and the nominations made to the membership of the Council had been in clear breach of the spirit of the provisions of the law; one or two were probably a breach of the letter of the law also.

11. During the course of further discussion on 20th December, 1967, reference was made to the criticism regarding the composition and working of the Press Council and the shortcomings of the Act and Members urged for necessary rectification. An important suggestion was made that Government should agree to constitute a committee of Members of both the Houses to go into the details of the question and, after consulting the organisations and others concerned, to submit a report on the amendments that are needed. The desire of several members of the House was in favour of the appointment of a committee for this purpose and the Deputy Minister of Information and Broadcasting announced Government's decision to appoint a committee of the Members of Parliament to go into this matter. (*)

(*) The relevant proceedings of the Rajya Sabha on the 5th, 6th, 7th, 14th, and 20th December, 1967, along with relevant annexures, are given in Appendices I to V.

12. *Appointment* : The appointment of the Advisory Committee on the Press Council was announced by a Resolution of the Government of India in the Ministry of Information and Broadcasting No. 11/31/67-P&PC, dated the 17th January, 1968 which reads as follows :—

“No. 11/31/67-P&PC

Government of India

Ministry of Information and Broadcasting

New Delhi, the 17th January, 1968.

RESOLUTION

Arising out of the discussion in the last session of Rajya Sabha regarding the Press Council of India, the Government of India have decided to set up an Advisory Committee on the Press Council composed as follows :—

CHAIRMAN

Shri K. K. Shah, Minister of Information and Broadcasting.

MEMBERS

RAJYA SABHA

1. Smt. Nandini Satpathy (ex-officio) Dy. Minister of I&B.
2. Shri Ganga Sharan Sinha
3. Shri Narla Venkateswara Rao
4. Shri Bhupesh Gupta
5. Shri Krishan Kant
6. Shri Mohan Manikchand Dharja
7. Shri T. N. Singh

LOK SABHA

1. Shri C. K. Bhattacharya
2. Shri P. C. Verma
3. Shri R. M. Hajarnavis
4. Shri Rajendranath Barua
5. Shri S. Supakar
6. Shri M. N. Naghnoor
7. Shri Manubhai M. Patel
8. Shri A. B. Vajpayee
9. Shri S. M. Joshi
10. Shri S. K. Sambandhan
11. Shri Nath Pai
12. Shri Viren Shah

2. *The terms of reference* : The Committee shall study the existing Act under which the Press Council of India has been set up and suggest such amendments as may be considered necessary to enlist for the Council full

and effective co-operation from all sections of the Press and public and to enable it to play its due role in preserving the freedom of the Press and improve standards of journalism in the country which are in conformity with the basic objectives of the Council.

3. The membership of the Committee will be honorary, but non-official members will be entitled to travelling and daily allowance in accordance with the orders contained in the Ministry of Finance's Office Memorandum No. 6/26/E-IV/59, dated the 5th September, 1960 as amended from time to time.

4. The Committee will meet as often as considered necessary. The headquarters of the Committee will be in New Delhi, but the committee may visit such other places, if considered necessary.

5. The Committee will evolve its own procedure.

6. The Committee will commence its work as soon as possible and submit its report to the Government by the 1st March, 1968.

Sd/- A. Mitra

Secretary to the Govt. of India.

ORDER

Ordered that a copy of the Resolution be forwarded to all Members of the Committee, the Chairman, Press Council of India, Indian and Eastern Newspaper Society, Indian Languages Newspapers Association, All India Newspaper Editors' Conference, Indian Federation of Working Journalists, the Press Association, Department of Parliamentary Affairs, Lok Sabha and Rajya Sabha Secretariat, the Prime Minister's Secretariat, all Ministries.

Ordered also that the Resolution be published in the Gazette of India for general information.

Sd/- A. Mitra

Secretary to the Government of India."

Shri Nath Pai did not agree to serve on the Committee.

Shri H. B. Kansal, Under Secretary was appointed as Secretary to the Committee *vide* Ministry of Information and Broadcasting letter No. 11/31/67-P&PC, dated the 22nd January, 1968.

13. The Committee held eight meetings as indicated below:

Meeting	Date
First Meeting . . .	37th January, 1968
Second Meeting . . .	16th February, 1968
Third Meeting . . .	6th April, 1968
Fourth Meeting (Five Sessions) .	27th to 31st May, 1968
Fifth Meeting (Four sessions) .	15th to 18th July, 1968
Sixth Meeting . . .	12th August, 1968
Seventh Meeting . . .	28th August, 1968
Eighth Meeting . . .	8th October, 1968

14. At the first meeting, the Committee discussed the circumstances leading to the appointment of this Committee and the course to be adopted for the completion of the work entrusted to it. At the second meeting, the Committee, concluded its general discussion and formulated the issues for its consideration which were as follows :—

Chairman of the Press Council :

- (1) Whether the Chairman should continue to be nominated? If so, by which agency? Or the Chairman should be elected and, if so, how?
- (2) What should be his powers?

Members of the Press Council

- (3) Whether the composition of the Council should be on the basis of election or nomination or both?
- (4) What interests should be represented on the Council and what should be their proportion?
- (5) If nomination, what should be the composition of the body which will nominate? If election, what will be the electorate?
- (6) Whether representation to education, science, literature, law etc. should continue? If so, whether the principle of nomination should continue or certain bodies may be allowed to elect or nominate?
- (7) What should be the representation of both the Houses of Parliament?

Powers and functions

- (8) What should be the functions and powers of the Council and who should have residuary powers?

Definitions

- (9) What should be the definitions of :
 - (a) proprietor;
 - (b) proprietor-editor, managing-editor and working-editor, and
 - (c) working journalist?

Finances

- (10) What should be the method of raising finance and control?

Other matters

- (11) What should be the measures for the removal of difficulties in the smooth working of the Council?

At this meeting, the Committee also drew up a list of witnesses to be invited to appear before the Committee for tendering oral evidence. At the third and fourth meetings and in part of the fifth meeting also, oral evidence was obtained from representatives of different Press Organisations, News Agencies, members of the Press Council and other important persons connected with the working of the Press. A list of witnesses who gave evidence before

the committee is given at Appendix-VI. The persons and organisations listed in Appendix VII submitted written memoranda. The Press Council also submitted their suggestions for amendment to the Act.

15. On the conclusion of examination of the majority of witnesses the Committee decided to define its task in the following aspects :

1. Need for a Press Council
2. The Present Council
3. Chairman of the Council
4. Composition of the Council
 - (a) Number of members
 - (b) Interests to be represented
 - (c) Method of nomination/election
 - (d) Representation for education, science, etc.
 - (e) Representation of Parliament
 - (f) Procedure for dealing with non-cooperation of organisations.
5. Regional Councils
6. Powers and Functions
 - (a) Functions of the Council
 - (b) Power to censure
 - (c) Recurring censures and recommendation to Government
 - (d) General powers of the Council.
7. Finances of the Council
8. Definitions
9. Press Council Members may become Members of State Legislatures
10. Service conditions of employees
11. Removal of difficulties.

16. Having considered the evidence tendered before it and examined the provisions of the Press Council Act, clause by clause, the Committee has arrived at conclusions which are given in the following chapters.

17. The Committee was originally required to submit its report by the 1st March, 1968. Having regard to the extent and complexity of the task, the period was extended in the first instance to the 30th June, 1968, and in the second to 31st August, 1968, and finally to 31st October, 1968.

18. The Committee wishes to place on record its deep appreciation of the services rendered by the Committee's Secretary, Shri H. B. Kansal and his colleagues,

II. NEED FOR A PRESS COUNCIL

19. The Press Commission, while dealing with the standards and performance of the Press, the growing tendency towards monopoly and concentration of newspaper ownership and the existence of "yellow journalism", recommended for the constitution of a Press Council. The Commission has further observed that, though the law of the country provides for dealing with some objectionable features, there would be objectionable practices which may not fall within the sanction of the law and would need to be taken notice of by a body like the Press Council. The Commission, after exhaustive study of the matter, concluded that the best way of upholding professional standards in journalism would be to bring into existence a body of people principally connected with the industry whose responsibility would be to arbitrate on doubtful points and censure transgressions of those standards.

20. The recommendation of the Press Commission was accepted by the Government and legislation to set up a Press Council in India was welcomed by the Press and the public. The general tenor of evidence tendered before this Committee also was in favour of continuance of the Press Council which could address itself among other tasks to the evolution of a proper code of ethics, upholding editorial independence, helping the Press to develop on healthy lines and protecting it from external pressures. The representatives of the Indian and Eastern Newspaper Society and some other witnesses in their individual capacity preferred a self-regulatory Council, but on the question whether there should be a statutory or voluntary Council, the overwhelming opinion was in favour of a statutory Council as a voluntary body would neither be feasible nor effective. The Press Commission had also held the view that the Press Council in the UK had been handicapped in the exercise of its authority by reason of its being purely voluntary and that such a body in this country would lack the necessary authority to enforce its decisions or to undertake enquiries. The Committee agrees with this view and is in favour of retaining the Press Council as a statutory body and making it more effective.

नयमेव नयते

III. THE PRESENT COUNCIL

21. The Committee has carefully considered the views expressed by the Indian Federation of Working Journalists, Indian and Eastern Newspaper Society and others and came to the conclusion that the new Council should come into existence at the expiry of the term of the present Council and all necessary steps should be addressed to this effect.

22. The Press Council of India was established under sub-section (1) of Section 3 of the Press Council Act, 1965 on the 4th July, 1966 with Shri J. R. Mudholkar as its first Chairman. The names of the members of the Council were notified by the Central Government on the 16th November, 1966. Under sub-section (1) of Section 5 of the Act, the Chairman and other members shall hold office for a period of three years. Therefore, the term of office of the members of the first Council would normally obtain up to the 15th November, 1969 and that of the Chairman up to the 3rd July, 1969. The Committee feels that it would be desirable if the terms of office of the present Chairman and other members of the Council could be made co-terminus, which practice should obtain for future Councils also.



सत्यमेव जयते

IV. CHAIRMAN OF THE COUNCIL

23. The Press Commission had recommended that the Chairman should be a person who is or has been a Judge of a High Court and should be nominated by the Chief Justice of India. However, the Press Council Act did not restrict the choice to High Court Judges or to any particular category of persons.

24. As regards the method of appointment of the Chairman, the original provision in the Press Council Bill, as introduced in 1956, was that the Chairman would be appointed by the President of India. The Rajya Sabha, however, accepted an amendment to the effect that the Chairman would be appointed by a Committee consisting of the Chief Justice of India, the Chairman of the Rajya Sabha and the Speaker of the Lok Sabha. Although it was intended to retain this provision in the Bill which was introduced in the Rajya Sabha in November, 1963, the Chairman of the Rajya Sabha and the Speaker of the Lok Sabha, on consultation, expressed their unwillingness to accept the responsibility. On reconsideration, a provision was made in the Press Council Act, 1965, after obtaining the concurrence of the then Chief Justice, that the Chairman of the Council should be nominated by the Chief Justice of India as recommended by the Press Commission.

25. The representatives of the Indian Federation of Working Journalists in the course of their evidence before the Committee, favoured the existing method of nomination of the Chairman by the Chief Justice of India. The Press Association suggested that the Chairman of the Council might be elected by its members. The Association was not sure whether the Council needed a whole-time Chairman to start with, although a whole-time Chairman might be necessary with passage of time. Having regard to their view that the Press Council should be the sole concern of the Press itself and no other outside agency, the Indian and Eastern Newspaper Society felt that the members of the Council might be allowed to choose their own Chairman. The All India Newspaper Editors' Conference was of the opinion that the Chairman should be a person who is or has been a Judge of a High Court and should be nominated by the Chief Justice of India. The views of other witnesses were varied and divided in this regard.

26. The Committee is of the view that the work of the Council will justify a whole-time Chairman. The responsibilities attached to the Chairman are high and onerous and a part-time Chairman will not be able to spare either the necessary time or devote the constant attention required of him for the effective implementation of the various provisions of the Act. There are, therefore, obvious advantages in continuing to have a whole-time Chairman, his salary being fixed by the Central Government, as already provided in the Act.

27. As regards the category of persons from among whom a Chairman has to be appointed, the committee feels that no specific restriction need be placed in the Act itself limiting the choice to Judges of the High Court or the Supreme Court or to any other particular category. What is more

important is that he should be a person of integrity, ability, experience, and is responsive to public opinion.

28. Certain witnesses were of the view that the Chairman should be elected by the members of the Council, instead of being nominated as provided in the present Act. But in view of the fact that the Council consists of 25 members divided into various categories, namely, working journalists, editors, proprietors and others, the Committee feel that the election of a Chairman in such a small Council, divided into various sections, is likely to lead to undesirable trends. The Committee, therefore, favours the system of nomination in preference to election and suggests that the Chairman of the Press Council should be appointed by a Committee consisting of the Chief Justice, the Chairman of the Rajya Sabha and the Speaker of the Lok Sabha.



V. COMPOSITION OF THE PRESS COUNCIL

29. The Press Council at present consists of a Chairman and 25 other members. A suggestion has been made, particularly on behalf of the small, medium and languages newspapers, that the number of members may, if necessary, be increased in order to provide adequate representation to different categories of small newspapers published in various languages. The Committee has given careful consideration to this suggestion and does not consider it necessary to increase the membership of the Council. Provision exists for the appointment of Committees for special or general purposes. However, as per present provision, no outsiders could be associated with such committees. The Council may be empowered to nominate to its Committees, constituted to deal with particular issues or situations or languages, persons as *ad hoc* members who may not even be the members of the Council for particular purposes.

30. The Press Commission recommended that, out of 25 members suggested by them, 13 or more should be working journalists including working editors, and the others should be drawn from newspaper proprietors, universities, literary bodies, etc., due representation being given to the periodical press. The break up of the categories of the members of the Council, at present provided in the Act, is as follows :—

(a) (i) Working Journalists	13	(includes not less than six editors of whom not less than three will be editors of newspapers in Indian languages).
(ii) Editors		
(b) Owners & managers of newspapers.	6	
<i>Representatives of the public</i>		
(c) Persons having special knowledge or experience in education, law, etc.	3	
<i>(d) Members of Parliament :</i>		
(i) Lok Sabha	2	
(ii) Rajya Sabha	1	
TOTAL	25	

31. During the course of their evidence the representatives of the Indian Federation of Working Journalists expressed in favour of retaining a preponderant majority for the working journalists, including working editors. The All-India Newspaper Editors' Conference submitted that the editor, as the kingpin of the newspaper and as the head of a team of working journalists who is responsible for the enforcement of any code of ethics and for whatever is published in the newspapers, should have a larger representation on the Press Council. The representatives of the Indian and Eastern Newspaper Society pleaded that the publishers and editors of newspapers were the only parties in matters that will come up before the Press

Council and that the working journalists were only incidental to the purposes of the Press Council. The other view was that, apart from editors and the publishers of newspapers, working journalists were vital to any scheme of enforcement of a code of ethics or the ethical standards of newspapers and it would be a mistake to ignore their representation on the Council. The Indian Languages Newspapers Association argued the necessity of reserving representation for Indian languages newspapers and for small and medium newspapers where in many cases editors and proprietors are the same person. There were also demands from news agencies for their representation.

32. The Press Commission had recommended that the selection of members should be made by the Chairman of the Council after inviting panels of names from the all-India newspaper organizations. But it was felt that the selection of the members of an important all-India body like the Press Council should not be left to the unaided discretion or judgment of a single individual. Accordingly, it was provided in the Press Council Bill, as passed by the Rajya Sabha in 1956, that the members of the Council, other than those from Parliament would be appointed by a Committee consisting of the Chairman of the Rajya Sabha and the Speaker of the Lok Sabha and the Chairman of the Press Council. As explained earlier, the Chairman of the Rajya Sabha and the Speaker of the Lok Sabha expressed their unwillingness to be associated with the Committee. Consequently, it has been provided in the present Press Council Act that the Committee to nominate these members will consist of the Chief Justice of India, the Chairman of the Press Council and another person to be nominated by the President of India. It is also provided that, before nominations are made, the committee should invite panels of names from the organizations of the Press. The list of persons nominated to the first Press Council gave rise to criticism of the whole procedure of nomination as provided in the Act.

33. While every organization would be interested in having a maximum number of seats on the Council or at least in retaining the present position, it is essential that the membership of the Council should be more broad-based and evenly distributed among various classes of newspapers/journalists/editors with particular reference to the Indian languages newspapers having regard to the important role they are expected to play. With this end in view and for the purpose of removing the lacunae which have come to notice following the nomination of the members of the first Council, the Committee makes the following recommendations.

34. The distribution of seats in the Press Council should be as follows :

(1) Working Journalists :	
(i) Editors who are working journalists	6
(ii) Working journalists other than editors	7
(2) Persons who own or carry on the business of management of newspapers	6
(3) Other members	6
	<hr/>
	25

35. The Act at present provides that out of the 13 working journalists, there should be "not less than" six editors. This could be interpreted to

mean that more than six editors could be nominated in the quota of working journalists. The Committee feels that the proportion of these two categories should be specifically determined and recommends that the editors who are working journalists [category 1(i) of para 34] should have six seats in the Council and no more or no less. The drafting of clause (a) of sub-section (3) of Section 4 should further be changed so that the qualifying words "who do not own or carry on the business of management of newspapers" apply not only to the editors but to the working journalists as well. This would ensure the participation of working journalists who do not have proprietary interests also. It should also be provided that under each of the sub-categories of working journalists in para 34 there should be at least three persons belonging to the Indian languages newspapers.

36. As regards the six members representing the newspaper owners and managers, the distribution should be as follows :—

- (i) Two members from among the big newspapers (by inviting panels).
- (ii) Two members from among the medium newspapers (by inviting panels).
- (iii) Two members from among the small newspapers.

For this purpose the categories will mean—

- (1) *Big* : . . . circulation—above 50,000.
- (2) *Medium* : . . . circulation—between 15,000 and 50,000.
- (3) *Small* : . . . circulation—less than 15,000.

The Council should notify the organizations from whom the panels are to be invited. Taking into account the present position, the Committee feels that the names of Indian and Eastern Newspaper Society and the Indian Languages Newspapers Association should be considered by the Press Council for inviting the panel for category 1 and category 2 respectively. As regards the small newspapers, it is noted that at present there is no all-India organization representing the small newspapers as such but that efforts are being made in this direction. Till such time as the Press Council recognises such an organization for inviting panels, the selection of these two members may be left to the discretion of the nominating committee which may consult such associations or persons as it thinks fit. It should also be provided in the Act that out of the six members in the category of newspaper owners and managers at least three of them should be those belonging to the Indian languages newspapers.

37. The Press Council should periodically review the representative character of the organizations from whom the panels are to be invited and notify the names of representative organizations. It is realised that no single organization is likely to represent the entire body of the profession. The organizations which at a given time are considered more representative may be invited to submit the panel of names.

38. In the course of the evidence before the Committee, it was pointed out that even the existing all-India organizations do not fully represent all the Newspapers/Journalists/Editors throughout the country and that a considerable number of them are left outside the fold of organized associations. Accordingly a suggestion emerged that the creation of an electoral college, consisting of all members of the profession, for the purpose of electing the members of the Council could be thought of in place of the existing system of nomination by a committee through panels submitted by the organizations. It was noticed that the profession was not enthusiastic about the idea of election. It was felt that the idea of ignoring completely the representative organizations, as they exist today, for the purpose of nominations to the Press Council and the creation of an entirely new electorate for electing the members might be fraught with several difficulties. Firstly, no qualifications and conditions are prescribed for any person who wishes to become a journalist or an editor nor is there at present any system of registration or set qualifications for journalists. In the medical, legal and other professions certain qualifications and conditions are prescribed and the persons concerned are required to get themselves registered before they can practise the profession. This does not obtain in the case of journalists or even editors. It is clear that no objective impersonal tests, by way of approved qualifications, to satisfy the requirements of registration obtain in the case of editors, working journalists and other personnel. The other view was that the system of election should not be introduced for the Press Council as it was a wholly new experiment and as it is not, in any case, welcomed by the representative organizations of the Press. One could not be sure that the experiment would really succeed and prove better than the existing system of nomination of the members. After weighing both points of view, the Committee is of the opinion that the idea of election may be given up for the time being and selection should be on the basis of the existing system of nomination from panels. However, having regard to recent experience, the following changes are suggested in the present procedure.

39. It does not appear desirable to bring in the Chairman of the Press Council into the selection of its members as it might create embarrassing situations in their relations during the working of the Council. Nor does it appear to be appropriate to involve Government or the President of India or his nominee in the process. It is also not a happy procedure to entrust the selection of members of an important all-India Council to the sole discretion of a single individual. The Committee, therefore, recommends that the selection of the members representing the profession should be made by the same committee that will nominate the Chairman of the Press Council. The organizations concerned should be requested to submit panel of names which should contain at least twice the number of members to be selected from that category.

40. The words "shall have due regard" appearing in sub-sections (4) and (5) of Section 4 of the Act should be removed as those words have given rise to controversy and the drafting should be changed to provide that the considerations set out in those sub-sections will be binding on the nominating Committee and not merely be directory or recommendatory.

41. The Press Commission had recommended, *inter alia*, that the membership of the Press Council should also include persons drawn from

universities, literary bodies etc. The Commission did not specifically recommend the inclusion of Members of Parliament in the Council. The Press Council Act, as it stands provides for—

- (i) 3 Members representing education, law, etc.
- (ii) 3 Members of Parliament.

42. In the course of oral evidence tendered before the Committee, no serious objection was raised against representation being given to persons having knowledge or special experience in various fields like education, science, culture, law etc. However, objection was taken, particularly by the Indian and Eastern Newspaper Society and the All India Newspaper Editors' Conference, to representation being given to Members of Parliament as a separate category on the Press Council. They apprehended that there might be a danger of political considerations being introduced in the formulation of decisions of the Press Council. They, however, had no objection to Members of Parliament coming into the Council in their own right under other categories like working journalists, editors, proprietors of newspapers and persons having special knowledge or experience. A suggestion was also made that the total number of members other than those representing the profession may be reduced from 6 to 5 on the model of the British Press Council while raising the number of working journalists on it from 13 to 14.

43. The idea of including in the Council persons from outside the profession has been motivated by a desire to represent the opinion of the common reader on the Press Council, the presumption having been that while professional members would take care of professional aspect, the representatives of the general public would look after the common reader's interest. The Committee accepts it as a wholesome principle and recommends the continuance of this practice.

44. The Act at present provides that the three members from the special fields of experience will be selected by a Committee consisting of the Chief Justice of India, the Chairman of the Council and a person to be appointed by the President of India. This Committee, in making the nomination, has been empowered to consult such organizations or persons as it thinks fit. The nominations actually made to the first Council under this category have come in for criticism. The selections made were alleged to have gone against the spirit of the Act and altered the balance of representation between the various categories. The representatives of the Indian Federation of Working Journalists, the Press Association and a number of other witnesses pleaded that these three members should be nominated directly by all-India organizations like the Bar Council of India, the Sahitya Academi, etc. The present provision in the Act seems to have been modelled on the Articles of Constitution of the British Press Council which provides that the representatives of the public, numbering 5, co-opted to the Council, will be chosen by the Chairman in consultation with other members of the Council, these selected representatives ranking equally with members nominated by the constituent bodies in rights, privileges and duties. As there are only three members under this category, it might prove difficult to take one person representing each special field, namely, education, science, literature, law or culture. Even if nominations were received from more than three organizations, it might be unsatisfactory and embarrassing to limit the selection only to three. The

Committee, therefore, suggests that the nomination of the three members may be entrusted to the following organizations :—

- (1) University Grants Commission—one member from the fields of education, science and allied matters;
- (2) Bar Council of India—one member from the field of law; and
- (3) Sahitya Akademi—one member from the fields of literature and culture.

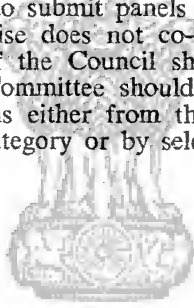
45. The Committee do not see any reason why Members of Parliament should be specifically excepted as a category from the membership of the Council, as suggested by a particular wing of the Press. Members of Parliament are the elected representatives of the people and in that sense they represent the entire country and can be deemed to represent the reading public from all points of view. There is, therefore, no force in the argument that the Members of Parliament may bring in "party politics" into the area of the Press Council which is concerned merely with the maintenance of ethical and professional standards of the newspapers. The Committee, therefore, recommends the continuance of three seats for the Members of Parliament, as already provided in the Act, with the existing procedure of nomination by the Speaker/Chairman of the Lok Sabha/Rajya Sabha. A suggestion has been made in this connection that the nominees of the two Houses of Parliament should as far as possible be from among Members having experience in journalism so that they might be able to serve the cause of the Press Council better. The Committee is not in favour of this idea firstly because it is not desirable to lay down in the Act itself any qualifications or limitations to be observed in selecting the persons and secondly because by prescribing the suggested qualifications it may tilt the balance of representation between the various categories. In fact, if at all, it may be best to prescribe that the Members so chosen should not have, as far as possible, anything to do with the Press as such. They should really reflect the viewpoint of the reading public only. However, it should be left to the discretion of the Chairman of the Rajya Sabha and the Speaker of the Lok Sabha to select the right type of persons and no qualifying restrictions should be added to the persons to be selected for membership of the Press Council under this category.

46. In its memorandum the Indian Federation of Working Journalists had criticised the Press Council and alleged that the nominating Committee of the Council had failed to nominate members in accordance with the provisions of the Press Council Act. The members chosen from among the panel submitted by the Federation, therefore, did not join the Press Council and submitted their resignations. Similar situations or disputes might arise in future too. This gives rise to the question whether there should be an Appellate Authority to deal with such situations or disputes.

47. The representatives of the Indian and Eastern Newspaper Society held the view that it was unnecessary to make special provisions in the Press Council Act for such contingencies. They felt that the Council itself was competent to deal with such matters. The representatives of the Indian Federation of Working Journalists felt that the creation of an Appellate Authority might tempt groups to invoke its aid on flimsy pretexts. Some

witnesses, however, thought that it might be helpful to provide for an Appellate Authority or to have some kind of emergency provision.

48. As the nomination of the members of the Press Council is recommended to be made by a high level committee consisting of the Chief Justice of India, the Chairman of the Rajya Sabha, and the Speaker of the Lok Sabha, it is not appropriate to provide in the Act for the establishment of an Appellate Authority over the decisions of such a high level committee. The Press and the public should have the fullest confidence in the impartiality and the representative character of the nominations made by such a committee and the nominations so made should not normally lead to any dispute. However, having regard to the likelihood of human error in regard to the fulfilment of the various criteria regarding selections of the members, it would be desirable to make a specific provision in the Act to provide for a review of the decisions taken by the committee itself on receipt of a representation or otherwise. As and when any particular organization raises a point or a difficulty, this would give an opportunity to the nominating committee to go into the matter in detail and after satisfying themselves of the correctness of the grounds advanced by the organization, to rectify the lacunae, if any, in the nominations made. This would also ensure the continuous functioning of the Council. But, if any particular organization fails to submit panels in the required manner, when invited to do so, or otherwise does not co-operate in the constitution of the Council, the working of the Council should not be held up on that account. The nominating Committee should be authorised to fill up their places by nominating persons either from the panels submitted by other organizations of the same category or by selecting individuals belonging to those categories.



सत्यमेव जयते

VI. REGIONAL COUNCILS

49. The Committee considered whether there should be subordinate or regional organisations of the Press Council for regional newspapers published in various States and in different languages. The All-India Newspaper Editors' Conference felt that the Press Council Act already provides, in Section 8, for the appointment of committees and a committee constituted thereunder can take care of the regional or language newspapers. As the activities of the Press Council expand, regional organisations may have to be created on a permanent basis. An opinion was also expressed that the provision in Section 8 of the Press Council Act was not enough to meet the requirements of the multiplicity of languages in India and therefore the Council should be authorised to sponsor subordinate organisations to assist and advise the All-India Council for dealing with language newspapers published in a State. Such a body could assist language newspapers of each State or Region or Zone and assist the All-India Council in arriving at decisions in the matter of upholding journalistic standards. The procedure of establishing such regional organisations could perhaps be considered and decided by the Council itself.

50. It would be appropriate to quote below the relevant paragraphs from the report of the Press Commission on this question :—

“Working of the Council.—(a) the Press Council will act through Committees to be constituted by the Chairman. The various functions of these Committees will, inter alia, relate to :—

- (i) charges of objectionable publications, (news, comment or advertisement), infractions of journalistic ethics or professional codes;
- (ii) matter relating to ethical standard and professional etiquette; and
- (iii) regulation of the inter-relation of the various branches of the journalistic profession.

x

x

x

- (e) There should be only one central Council until uniform standards have been set up; thereafter, if it is found necessary, regional or State branches may be constituted.
- (f) The Council will regulate its own procedure as well as the procedure of its committees”.

51. It is clear that the Press Commission itself anticipated the eventual establishment of regional or State organisations. The Commission observed that there should be only one Central Council until uniform standards are set up. The Press Council has been in existence for less than 2 years and, as far as can be judged, the existing all-India Council has not proceeded to consider the problems of a particular State or language. It is possible that, in the next 5 years, the work will not have increased to the extent of

necessitating the establishment of separate regional Councils for the purpose. The Committee feels that the question whether there should be regional councils or regional advisory bodies to the All-India Council may be considered after the Council has worked for some time.

52. Some witnesses brought to the notice of the Committee the difficulties that may arise in the examination of complaints concerning newspapers in regional languages and also such other problems and mentioned a need of associating experts or persons who know the concerned languages and problems. It is, therefore, necessary to have such experts to examine the complaints or such other problems from the concerned regional areas who are well acquainted with the languages and local problems. Section 8 of the Act provides for the setting up of Committees from among the members of the Press Council for general and special purposes to perform such functions as may be assigned by the Council. This Committee has recommended in earlier paras that the persons other than the members of the Council should also be associated with the special committees for special jobs. If eminent persons, well versed in languages and literature and problems, other than the members of the Council are allowed to be associated as members of special committees, it may be possible to get rid of the difficulties referred to above. However, in days to come along with the expansion of the activities of the Press Council it may be necessary to have Regional Councils as well.



सत्यमेव जयते

VII. POWERS AND FUNCTIONS

(a) *Functions of the Council*

53. Opinion was expressed on more than one occasion that the functions of the Press Council incorporated in Section 12(2) of the Press Council Act, 1965 broadly on the lines recommended by the Press Commission in paragraph 951 of their Report cover much too wide a field. During the course of oral evidence tendered before the Committee, doubts were expressed on the need and propriety of some of those functions being entrusted to the Press Council and the capacity of the Council to implement them. The Press Council also considered the matter in detail and submitted a memorandum to the Committee suggesting some amendments to the powers and functions of the Council. The Committee has given careful consideration to the various views presented before it and arrived at the conclusions mentioned in the following paragraphs :

54. *Functions (a) to (e).*—The functions mentioned in clauses (a) to (e) are generally in conformity with the main object and purpose of the Council, namely, to preserve the freedom of the Press and to maintain and improve the standards of newspapers in the country. In the brief span of time that the Council has functioned, it is not possible to assess its achievements objectively and properly. More time will be required for their proper appraisal. As these functions flow directly from the main object of the Council, the Committee does not see any need to delete or revise any one of these functions.

55. *Function (f).*—Under the existing clause (f), the Press Council can review such cases of assistance received by any newspaper or news agency in India from foreign sources, as are referred to it by the Central Government. The Council felt that there was no justification for vesting the exclusive power in this regard in the Central Government. In their opinion financial assistance received from foreign sources was one of the major threats to the freedom and independence of the Press and it was essential that the Council should be competent to enquire into and bring its findings to the notice of the public, whenever such a complaint was brought to its notice. The Council, therefore, suggested that the restrictive provision in the clause vesting exclusive power in the Central Government to make a reference to the Council should be removed and that clause (f) of Section 12(2) of the Act be amended to provide for a review by the Council of cases of foreign assistance to Indian newspapers not only on a reference made by the Central Government but also on an application made by any other person or body.

56. Earlier during the course of the oral evidence, an opinion was expressed suggesting deletion of this clause altogether. There has been a view that it might not be possible for a professional body like the Press Council, without adequate machinery, to make a worthwhile enquiry into such cases and that ultimately the Council might have to depend on the

governmental machinery for obtaining any authentic information in this regard before it could come to any useful conclusion.

57. The Committee feels that if some information becomes available to the Council from a source other than Central Government, there is nothing wrong in the Council initiating the enquiry as it thinks necessary. Certain things might not become available to Government's investigating agency and in some cases people in possession of information might not be willing to approach that agency for a variety of reasons. Also the governmental machinery may at times not take the requisite initiative; it may take too long a time to submit a report and by the time its report is available, the importance and the urgency of the matter may get lost. The Committee is accordingly of the opinion that the clause should be amended suitably to enable the Council to review such cases on a reference from the Central Government or of its own. The proviso under this clause should also be retained.

58. *Function (g).*—Clause (g) of Section 12(2) of the Act enable the Council to promote the establishment of such common services for the supply and dissemination of news to newspapers as may from time to time appear to be desirable. The representatives of the Indian and Eastern Newspaper Society, Hindusthan Samachar and some other individual witnesses expressed their opinion that this function was outside the purview of the Press Council while several others, particularly those on behalf of the small newspapers which could scarcely afford the comparatively expensive news services of the all-India news agencies, welcomed this clause. The Press Council felt that it was no part of the functions of a Press Council to initiate or help in establishing a news agency—just as it was not its proper function to establish a newspaper. According to the Press Council there were already several news agencies and the Council could play no useful role in “promoting” new ones. The Council, therefore, suggested deletion of clause (g). The Committee agrees with the view expressed by the Press Council and recommends that this clause may be deleted.

59. *Function (h).*—During the course of the oral evidence, certain witnesses had expressed opinion against the retention of clause (h) dealing with the provision of facilities for the proper education and training of persons in the profession of journalism. It was argued that these were really the functions of Universities and specialised institutes and not that of the Press Council which was mainly concerned with upholding ethical standards. The Committee feels that clause (h) is merely an enabling provision and imposes no obligation on the Council to provide such facilities. In their memorandum to the Committee, the Press Council has also not suggested the deletion of this clause. The Committee recommends that clause (h) should be retained.

60. *Clause (i).*—The representatives of the Indian and Eastern Newspaper Society and certain other witnesses expressed the view that functions under this clause were outside the scope of the Press Council. The Council also did not regard it as its proper function and felt that if it were required to act as some sort of a conciliation body to resolve disputes among those engaged in the newspaper industry, it would defeat the entire purpose of its existence as representing the conscience of the newspaper world to maintain the highest standards of journalism and the proprieties and ethics of journalists. The Council, therefore, favoured the deletion of clause (i).

The Committee does not agree with these views. The functional relationship between the three important wings of the Press, namely, the owners and managers, the editors and the working journalists is an important aspect in the maintenance of independence of the Press. While the Committee is in favour of retaining this clause, it recommends that the clause may be amended suitably so as to exclude the industrial disputes from the purview of the Council. The clause may be reworded on the following lines :—

“(i) to promote a proper functional relationship other than what comes under the provisions of the Industrial Disputes Act among all classes of persons engaged in the production or publication of newspapers.”

61. *Function (j).*—Clause (j) of Section 12(2) empowers the Press Council to study developments which may tend towards monopoly or concentration of ownership of newspapers, including a study of the ownership or financial structure of newspapers, and if necessary, to suggest remedies therefor. The Indian and Eastern Newspaper Society felt that this was not an appropriate function of the Press Council. Some other witnesses also expressed the view that the Council, with its limited powers under the Act, would not be able to achieve much in this respect and that this function might be more appropriately entrusted to the Monopolies Commission. The study of monopolies in newspapers with a view to suggesting remedial measures is an important aspect in respect of maintenance and improving the standards of newspapers in the country and in achieving a wider diversification of ownership which will ensure the preservation of the freedom of the Press. As regards the suggestion for entrusting the question of monopolies to the Monopolies Enquiry Commission proposed to be set up, the Committee is of the view that the proposed Commission will be primarily concerned with the economic concentration of a different type in a different sphere and may not be able to pay particular attention to monopolies in newspapers as such with which the Press Council is more concerned. While the Press Council may study the monopolies in newspapers, action to curb the monopolies in the light of the recommendations of the Council will have to be taken by Government or some other authority. When the Press Council submits its report on the nature and extent of monopolies in the Press, Government may consider what remedial steps have to be taken and whether reference to the proposed Monopolies Commission is necessary on any particular aspect. The Committee is, therefore, in favour of retaining Clause (j).

62. *Functions (k) and (l).*—The Committee recommends the retention of clause (k) and (l) of Section 12(2).

(b) *Power to censure and for making enquiries :*

63. Sub-section (1) of Section 13 of the Act confers on the Press Council the power to censure only; no other disciplinary power is given to the Council. The Act provides that the Council can censure the editor, the journalist or the newspaper concerned, as the case may be, in accordance with the procedure laid down for this purpose. A point was raised in this connection that in all cases where censure is called for, it should be administered only to the editor and not to anybody else because the general responsibility for whatever is published in the newspaper is that of the editor. The Committee does not see any force in this argument and feels

that it should be left to the Press Council to decide as to who should be censured after examining the whole matter in each case depending upon its circumstances.

64. The Press Council drew attention to the fact that under Section 13(1) of the Act, although the Council, when it upholds a complaint against a newspaper or working journalist, might among other things, inflict the punishment of "censure", it had no means whereby this punishment could be made known to the general public. The Council pointed out that there had been cases in which though the Press Council directed the newspapers which had been censured to publish the decision of the Council, they failed to do so. The Council felt that in the absence of specific power in the Act to enable the Council to give a direction in that regard, the Council would be powerless to have its decisions published in the erring newspapers. The Council, therefore, suggested that Section 13, which deals with the enquiry by the Council into cases of professional misconduct by newspapers and working journalists, might have a paragraph on the following lines :—

"The Council may as part of the decision rendered by it under Section 13(2) direct the newspaper complained against, or in the case of a working journalist the newspaper in which he was employed to publish the decision of the Council or of such portions of it as the Council deems fit, in such issue of newspaper and in such place in it as the Council may direct."

65. It is reported that in the United Kingdom, by convention, in recent times the newspapers generally, including those which have been censured, publish the decision of the Press Council so that the public is made aware of the work of the Council in general, the views of the Council on specific cases of journalistic ethics and propriety or impropriety. The Press Council of India feels that such publication is, apart from other things, needed to enable Council to build up case laws for journalistic conduct and ethics. There is a body of opinion that if a newspaper editor or working-journalist makes a mistake, it behoves his sense of duty to come forward and own the mistake by publishing a correction. A contrary view also exists that much would depend upon the stature, status and the respect commanded by the Council with the Press and, if a decision was taken merely by virtue of a majority, it might not be appropriate to force the newspaper concerned to publish the decision. Besides if the censured newspaper did not publish the decision of the Council when directed to do so, there would be other newspapers who might publish the same. The Committee feels that the amendment suggested by the Council to secure additional power in this respect should not be accepted.

66. The Press Council suggested the inclusion of the following sub-section [to be numbered as sub-section (1)] in Section 13 of the Act with a view to enabling it to make enquiries in regard to the performance of any of its functions :

"The Council may for the purpose of discharging any of its functions under Section 12, make such inquiry as it deems fit in accordance with such procedure as may be prescribed by regulations framed in that behalf."

The Committee has given very careful consideration to this suggestion and is of the view that the Press Council should primarily be a professional body aimed at self-regulation of the Press and its character should not be basically changed into a sort of inquisitorial body. The scope of the amendment suggested is very wide. The object of the Council is to preserve the freedom of the Press and maintain and improve the standards of newspapers in India. Section 12(2) further elaborates the various functions to be undertaken by the Council. According to Section 12(2)(1) the Council may do such other acts as may be incidental or conducive to discharge all the functions enumerated under Section 12(2). This implies that the Council can censure the newspaper, including the publisher, the editor and the working journalist. However, to make this clear a parent provision has been included under Section 13(1) of the Act. For the purpose of enabling the Council to perform its functions efficiently, the Committee is recommending in paragraph 73 the conferment of some additional powers as are vested in a civil court. In view of the proposed amendment to section 14(1) and (2), the Committee is not in favour of the above quoted amendment suggested by the Council.

67. *Recurring Censures.*—If a newspaper/editor/journalist has been censured by the Council a number of times and if it still continues to publish objectionable material, there is at present no provision in the Act empowering the Council to take deterrent action against it. A point was, therefore, considered whether there should be a clause in the Act to provide specifically for sanction against recurring misconduct in spite of a censure administered by the Council. In this connection a question was asked whether it would be in order for the Government to stop allotment of Government advertisements, allocation of newsprint, press facilities, etc. or to take any other suitable action against the newspapers as might be recommended by the Council in the case of those involving repeated censures by the Council. The All-India Newspaper Editors' Conference felt that the Press Council should be allowed to develop its own conventions, and censure, as provided in the Act, was enough. They did not apparently welcome the idea of the Press Council making a recommendation to the Government for suitable action against a particular newspaper.

68. Allotment of Government advertisements, newsprint, Press facilities, etc. will be governed by the policy laid down by Government in this behalf from time to time and made known to the public. The main point for consideration is whether a provision recommending action by Government against a newspaper on the report of the Council can be justified on grounds of policy and principle. It may be mentioned here that this is likely to be misunderstood by the Press as an effort on the part of Government to develop a sort of regulatory organisation in the Press Council and may amount to treating the Press Council as a Press Advisory/Consultative Body.

69. Before 1955, there used to be a Press Advisory Committee at the Centre and Advisory/Consultative Committees in different States whose primary function was to provide an opportunity to Government to discuss with the representatives of the Press any action that the Government contemplated in pursuance of anything it had considered objectionable. Considerable differences in practice however obtained from State to State and even Government's advertisement policy was sometimes discussed. The

Press Commission examined this question in the light of objections raised before it against the continuance of these bodies. The Commission observed as follows :—

“402. We consider that in a democratic set up there is no necessity for machinery like the Press Advisory Committees for advising Government on the administration of Press Laws or for consultative committees to regulate the relationship between the Press and the Government. Whatever the purpose these committees may have served in the past, their continued existence is not recommended under the new set up....”

70. In the circumstances explained above it would not be desirable to make a specific provision in the Press Council Act in this regard. The Press Council is not an executive authority which could be entrusted with the task of executing decisions of Government against erring newspapers nor is it an advisory body which could advise or make recommendations to the Government for taking any executive or legal action against the Press. Any provision of that type would, therefore, be against the intentions of the Press Commission in recommending the establishment of a Press Council primarily for the self-regulation of the Press in regard to its own conduct. This may also affect the independence of the Press Council. In this connection it is noted that there is a proposal under consideration to amend Section 153 A of the I.P.C. to provide for penalizing promotion of and attempts to promote disharmony and feelings of ill-will between different communities on the grounds of religion, race, language, caste or community or place of birth or residence or any other ground whatsoever; and also to amend Section 505 I.P.C. to provide for penalizing circulation of rumours and publication of alarming news and views with the intent to promote or which are likely to promote on the grounds of religion, race, language, caste or community, place of birth or residence or any other ground whatsoever, feelings of enmity or hatred or ill-will between different religious, racial or language groups or castes or communities. On conviction of an offence under Section 153 A of I.P.C. as amended above, suspension of newsprint and Government advertisements has been recommended by the National Integration Council. While Parliament would, no doubt, consider the above proposal in all its aspects and take an appropriate decision, it is always open to Government to decide on their own what action is to be taken against the newspapers censured by the Council a number of times or convicted of an offence under the provisions of the I.P.C. as amended above. The Committee feels that, for the reasons and principles explained above, it would be inappropriate to make any provision in the Press Council Act enabling the Press Council to make recommendations to the Government in regard to action against any particular newspaper.

71. The Press Council suggested the insertion of an additional subsection (5) as follows :—

“13(5). Where the Council makes an inquiry into any matter referred to in clauses (a), (c), (f) or (j) of Section 12(2), it shall submit its conclusions in the form of a report with its recommendations, if any, to the Central Government, and the same shall on receipt thereof be placed before both Houses of Parliament for such action as Parliament deems fit.”

It is observed that Section 18 already provides that the annual report of the Council should *inter alia* contain a summary of its activities during the previous year and an account of the standards of newspapers and the factors affecting them and this report is required to be laid before the Parliament. So there should ordinarily be no need for special reports in respect of enquiries conducted by the Council. It is, however, realised that, if there is any matter of urgent public importance and interest, which is enquired into or reviewed by the Council, a report on the same need not wait for inclusion in the annual report. The Committee recommends that the Council may be given the discretion to include reports on matters enquired into or reviewed by it within the scope of its functions, either in its annual reports or to submit the same in the form of interim reports. Government should lay the reports, whether interim or annual on the Table of both Houses of Parliament. A suitable provision to that effect should be incorporated in the Act.

(c) *General Powers of the Council*

72. Section 14 of the Act confers certain general powers on the Press Council for its effective functioning. They are primarily intended to enable the Council to obtain information, to summon witnesses, to produce documents, to receive evidence etc. In the absence of these powers, the work of the Council will be considerably hampered. In fact, the Press Commission itself drew attention to the fact that the Press Council in the U.K. had undoubtedly been handicapped in the exercise of its functions and authority by reason of its being purely a voluntary body without statutory powers. The Commission particularly mentioned :

“The Council (in the U.K.) could not ensure the appearance of Mr. Gunn before it when it was investigating the matter. We feel that a voluntary body of this nature might not have the necessary sanction behind its decision nor legal authority to make enquiries.”

In order to enable the Council to perform its functions most efficiently, it is very essential that the Council should have necessary powers to call for information and the authority to make enquired.

73. Sub-section (1) of Section 14 of the Act at present enables the Council to call for information, for the purpose of performing its functions, from the publishers of newspapers. The Press Council thought that it should be entitled to call for such information as might be necessary not only from the publishers of newspapers but also from the editor, or any other person in the management or control of any newspaper or of any news service, depending upon circumstances of each case or point under consideration of the Council. The Committee is of the opinion that the purpose of the Council will be better served if sub-sections (1) and (2) of Section 14 are combined to read as follows :

“For the purpose of performing its functions and while holding any inquiry under the Act, the Council shall have the same powers as are vested in a civil court while trying a suit under the Civil Procedure Code.....”

74. It is understood that a question was sometimes raised before the Council that inasmuch as a civil court had jurisdiction to summon witnesses only within the district in which it was located, the Council's jurisdiction was limited to the Union Territory of Delhi which is its headquarters.

Without prejudice to the correctness or otherwise of this view, the Council suggested, by way of abundant caution, that the powers of the Council under Section 14 should be extended to the 'entire territory to which the Act extends'. The Committee recommends that this suggestion should be accepted and Section 14 should be amended to that effect.

75. The Press Council desired the amplification of Section 14 of the Act so as to have powers as are vested in a civil court, in respect of the following matters also :

- (i) 'requisitioning any public record or copy thereof from any public office; and
- (ii) 'any other matter which may be prescribed'.

The Committee recommends the acceptance of the suggestion.

76. *Sources of news or information.*—The representatives of the Indian and Eastern Newspaper Society, the Indian Federation of Working Journalists and a few other witnesses stressed the need for incorporating a special proviso in the Act that the Press Council would not be entitled to enforce disclosure of sources of news or information as such disclosure would be against the generally accepted journalistic privilege. It is recalled that the Press Commission observed :

"Confidence shall always be respected and professional secrecy preserved, but it shall not be regarded as a breach of the code if the source of information is disclosed in matters coming up before the Press Council or courts of law."

The Committee has given careful thought to this question. The Press Council is a quasi-judicial body intended primarily for the self-regulation of the Press in regard to its own conduct. The Committee does not see any objection to incorporate the well-accepted journalistic privilege in the Act and recommends the insertion of a suitable proviso on the following lines in the revised version of the first sub-section of Section 14 :

"Provided that nobody shall be compelled to disclose the source of news or information published in a newspaper or a journal."

77. The Committee has considered the Press Council's suggestion for an amendment to Section 23 so as to empower it to frame regulations, *inter alia*, in respect of "any other matter for which under the Act regulations may be made". The Committee accepts the suggestion.

VIII. FINANCES FOR THE PRESS COUNCIL

78. The question of financial independence of the Press Council has assumed importance and has been raised on several occasions. Almost the entire expenditure of the Press Council is met at present from the grants-in-aid given by the Government. Although the Press Council Act provides that the Press Council may receive grants and advances from any other authority or person, there are no immediate prospects of the Council receiving funds from any other source.

79. The Indian Languages Newspapers Association, the representatives of the Indian Federation of Working Journalists and the Press Association have suggested the adoption of the proposal of the Press Commission that a cess be levied on the newsprint consumed by newspapers for the purpose of financing the Press Council. The All-India Newspaper Editors' Conference have held that the expenditure of the Press Council should be met on the same lines as that of the Supreme Court. Some witnesses have submitted suggestions for the augmentation of the Council's finances, namely, grants-in-aid from the Government, fixation of the grant to the Council by the Parliament itself, direct subsidy or a grant.

80. The following alternative methods of financing the Press Council, other than the way of financing through grants-in-aid, came in for discussion :—

- (a) levy of a cess on the newsprint consumed by the newspaper industry;
- (b) treating the expenditure of the Council as "charged", as in the case of Supreme Court, U.P.S.C., etc., by suitable provision in the Act; and
- (c) fixing the amount of grant by Parliament in the Press Council Act itself.

81. The Press Commission had recommended that a cess of Rs. 10 per ton should be levied on the consumption of newsprint and the expenditure on the Council and its ancillaries be charged to the Fund thus collected. This proposal is understood to have been examined by the Government in detail and the Committee was informed, in this connection, of the procedure laid down in the Constitution. Under Article 266(1) of the Constitution, all revenues received by the Government of India, which would include the proceeds of the cess recommended by the Press Commission accrue to the Consolidated Fund of India. Further, under Article 226(3) read with Article 114(3) *ibid*, no moneys can be withdrawn from the Consolidated Fund of India, except under appropriation made by law. It follows, therefore, that payments to the Press Council will have to be voted by Parliament out of the Consolidated Fund and covered by a provision in the Appropriation Bill. Except for this difference that the levy would be for a specific earmarked purpose and the grant would not look like a bounty or subsidy, there is in substance no difference as the grant would have to be voted by Parliament. No change was, therefore,

made in the provision of the bill as passed by Rajya Sabha in 1956 and the Act accordingly provided that the Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Council in each financial year such sums as may be considered necessary for the purpose of the finances of the Council under the Act.

82. The question of treating the expenditure of the Council as "charged" was examined in 1955-56 in conjunction with the proposal to levy a cess on newsprint. Under Article 112(3)(g) of the Constitution, Parliament has power to declare by law the expenditure of any particular office as "charged". Excepting the organisations, the expenditure in respect of which was declared as "charged" by the Constitution itself, namely, the Supreme Court, the Union Public Service Commission, the Comptroller and Auditor General, etc., we are not aware of any other office the expenditure for which was, by law, declared by Parliament as "charged" in exercise of the powers conferred by Article 112(3)(g) of the Constitution. Further, even marking the expenditure as "charged" will not take it beyond the purview of Parliament; Parliament has full right to discuss the estimates in respect of "charged" expenditure also and all withdrawals from the Consolidated Fund, whether "voted" or "charged", has to be approved by Parliament through the Appropriation Bill although the charged expenditure is usually treated with deference. There is therefore no particular advantage in treating the expenditure of the Press Council as "charged".

83. The inclusion of a specific provision in the Press Council Act itself fixing the specific amount to be granted annually to the Press Council may not be a happy proposal. The expenditure is at present met from grants-in-aid given by the Ministry of Information and Broadcasting under Section 15 of the Act. A specific legislative provision prescribing the amount to be paid annually will not be desirable because it will impose avoidable constraint on the Council and the expenditure of the Council will gradually increase over a period of time with the expansion of the legitimate activities of the Council. Under the existing arrangement, the Press Council prepares its budget annually on the basis of their contemplated expansion and, after approval by the Ministry of Finance, the sums required are included in the Demand of the Ministry of Information and Broadcasting under 'grants-in-aid'.

84. The question of levying fees from every newspaper, editor or working journalist, who is registered with the Council and crediting the amount so realised directly to the funds of the Council from which its expenditure can be incurred, has also been examined in the context of creation of an 'electorate' for electing the members of the Council in the place of the present system of nomination as provided in the Act. The Committee was advised that in view of the provisions of Entries 96 and 97 of List I of Schedule VII to the Constitution, the requisite power for the purpose would be available to the Union irrespective of the question whether the proposed levy or impost amounts to a tax or merely a fee and that the power to levy the fees would be available to the Parliament under Entry 47 read with Entry 39 of List III of the 7th Schedule to the Constitution. If it was so desired the Act could provide that the categories of persons who would constitute the electorate should register themselves with the Press Council on payment of fees to be prescribed by the regulations to be framed by the Press Council. The fees so realised could go to the Council's fund. It is

not unusual for Statutory Bodies created by law to be empowered to levy and collect fees from members and other beneficiaries (c.f. Chartered Accountants Act) and these fees accrue to the Bodies and not to the Consolidated Fund of India.

85. For reasons mentioned elsewhere, the Committee abandoned the idea of elections to the Press Council as impractical. As a consequence the question of levying fees on newspapers, editors and working journalists does not arise. It was again difficult to estimate the extent of revenues likely to be realised through this source. With the Council in its initial stages and with its plans of expansion in the future, the total revenue might not suffice to meet its entire expenditure; the Council might still have to depend on the grants-in-aid from the Government. It would not be desirable to enhance the fees every year in order to meet the gap between the revenue and the expenditure.

86. After taking into account the various considerations, the Committee came to the conclusion that, to secure flexibility for the future, the existing arrangements whereby the budget of the Council is prepared depending upon its requirements annually and passed by Parliament after due scrutiny should continue.



IX. DEFINITIONS

87. The Committee has given thought to the question whether certain terms such as "editor", "newspaper", "working journalist" should be specifically defined in the Press Council Act. The Indian Federation of Working Journalists have suggested that a definition of editor should be included in Section 2 of the Act and the "working-editor" should mean an editor who is covered by Section 2(f) of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955. The Indian and Eastern Newspaper Society have pointed out that the basic fault in the Act is that the definition of "working journalist" has been borrowed from a labour legislation meant to foster trade union activities and this definition is now being sought to be used for the purpose of creating a body charged with maintaining the highest professional and ethical standards. Owing to the operation of the present definition, editors in respect of a number of newspapers where the editor and the proprietor are one and the same do not receive proper representation in the category of "working journalist". For this purpose, the Society has suggested that the term "working journalist" may be replaced by "journalist" meaning any person whose *main occupation* is that of a journalist regardless of whether he is self-employed or is an employee. The representatives of the Press Association have stressed that it should be ensured that editors with proprietorial and directorial interest should not be the members of the Council to represent working journalists and consequently the definition may be suitably amended. Some witnesses who appeared before the Committee expressed a variety of views on the need for a re-definition of working journalist, editor, working-editor, proprietor, editor-proprietor, proprietor-editor and managing editor. Some have suggested that for the purpose of the Press Council Act, certain categories of persons like proof-readers, copy-tasters etc. may be excluded from the definition of the working journalist.

88. In the Press Council Act, 1965, the expression 'editor' and 'newspaper' have the meanings respectively assigned to them in the Press and Registration of Books Act, 1867 and the expression 'working journalist' has the meaning assigned to it in the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955.

89. In the Press and Registration of Books Act, 1867, the 'editor' and 'newspaper' have been defined respectively as follows :—

"Editor" means the person who controls the selection of the matter that is published in a newspaper;

"newspaper" means any printed periodical work containing public news or comments on public news.

In the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955, the term "working journalist" has been defined as follows :—

"working journalist" means a person whose principal avocation is that of a journalist and who is employed as such in, or in relation to, any newspaper establishment, and includes an editor, a

leader-writer, news-editor, sub-editor, feature-writer, copy-taster, reporter, correspondent, cartoonist, news-photographer and proof-reader, but does not include any such person who—

- (i) is employed mainly in a managerial or administrative capacity or.
- (ii) being employed in a supervisory capacity, performs, either by the nature of the duties attached to his office or by reason of the powers vested in him, functions mainly of a managerial nature.

90. The definition of the term “newspaper” in the Press and Registration of Books Act, 1867 is the oldest and standard definition available for this purpose and it does seem to serve the purpose of the Press Council Act as well. It is not necessary to introduce a new definition for this purpose for the simple reason that by evolving a new definition certain classes of newspapers which are now registered with the Registrar of Newspapers for India and are entitled to certain concessions like allotment of newsprint, concessional postal rates etc. are likely to be left out of the purview of the Press Council Act. If they are kept out and if those classes of newspapers indulge in objectionable writings which are otherwise actionable under the provisions of the Press Council Act it would not be possible for the Press Council to take cognisance of those writings and take suitable action under the Act. It is, therefore, essential to bring the entire class of newspapers within the purview of the Press Council for the purpose for which it is established.

91. As regards the definition of the term “editor”, the suggestion of the Indian Federation of Working Journalists seems to be the result of a fear that under the present scheme of the Act some non-working editors may find their place among the category of working journalists and editors on the membership of the Council. For this purpose a clear safeguard has already been provided in clause (a) of sub-section (3) of Section 4 of the Act that the editors who are selected as members of the Council under this category should not be those who own or carry on the business of management of newspapers. Further, the persons selected under this category have to belong to the category of “working journalist” as defined in Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955. The Committee is, therefore, of the opinion that there is no need to incorporate a separate definition for the ‘editor’ in this Act which may in practice conflict with the existing standard definition available in the Press and Registration of Books Act, 1867. Further, if a new definition is introduced in this Act, while the editor as defined in the Press and Registration of Books Act, 1867, will shoulder the responsibility for the writings in a newspaper before a court of law under the general law of the land, he is not likely to shoulder that responsibility nor is he likely to be protected for examination before the Press Council. This may also result in avoidable conflicting definitions.

92. A suggestion was made to exclude certain categories of Press workers, namely, proof-readers (who are merely proof-readers and not editors or sub-editors who do proof-reading in addition to their other duties), copy-tasters, photographers, etc. from the definition of the working journalists. The suggestion was made on the assumption that they may not have the

requisite qualifications to enable them to make any effective contribution to the working of the Press Council, or they may not be of much use in maintaining the standards of the Press. It is to be acknowledged, however, that proof-readers do contribute to the quality and in that capacity play an important role in the production of a newspaper, particularly the smaller ones. Photographers too are assuming an increasingly important role in modern journalism. For a competent and good newspaper, it is equally important to have an excellent photographer on its staff. One important point to be noted in this connection is that if these categories are excluded specifically from the very definition of the term, they are automatically removed from the entire area of the Press Council Act and if at any time the Press Council feels that the conduct of any of the persons belonging to these categories is to be enquired into, the Press Council will not be able to do so if they are not covered by the definition. The suggestion made is, however, significant. It would be advisable to depend upon the good sense firstly of the organisations concerned, who are to submit the panels, and secondly on the nominating machinery who will finalise the list of names. The definition of the term "working journalist" in the Act need not be disturbed.



सत्यमेव जयते

X. MEMBERS OF PRESS COUNCIL MAY BECOME MEMBERS OF STATE LEGISLATURES

93. A suggestion has been made to the Committee that just as the membership of the Press Council does not disqualify a person from becoming a Member of Parliament, the same protection should be available to any person for becoming or for being a member of a State Legislature. It was noted that the Press Council Act does not contain any provision disqualifying any member of the Press Council from being chosen as a member of the Legislative Assembly or Council of a State. In view of clause (a) of Article 191(1) of the Constitution, necessary action could be taken by the State Government concerned through the State Legislatures to declare that a person nominated as a member of the Press Council should not be disqualified for being chosen as a member of the State Legislature concerned. The Committee agrees with the suggestion and recommends that the Members of the State Legislatures be given protection from disqualification as in the case of Members of Parliament.



XI. SERVICE CONDITIONS OF THE EMPLOYEES OF PRESS COUNCIL

94. One of the points raised before the Committee is that a suitable provision should be made in the Press Council Act, making the Press Council of India and its employees eligible for Government accommodation. In this connection, it is noted that, under Section 23 of the Act, it has been provided that the Council may make regulations, not inconsistent with the Act and the rules framed thereunder, for specifying the terms and conditions of service of the employees appointed by the Council with the prior approval of the Central Government. We understand that the Council has already drafted the regulations regarding the residential accommodation for employees, Provident Fund Scheme etc. and that those regulations are under examination by the Ministry of Information and Broadcasting in consultation with other Ministries concerned.

95. Having regard to the precedent of the University Grants Commission and in view of the important role assigned to the Press Council under the Act in maintaining and improving the standards of newspapers in the country, the Committee recommends that the office of the Press Council should be treated as a Government Department for purposes of residential accommodation and other service conditions on par with regular Government servants. Lack of adequate accommodation for the Press Council and its employees has created handicaps in the way of proper functioning of the Press Council and, therefore, this Committee recommends that the Government should give priority in allotting adequate accommodation to the Press Council and its employees. The question whether this should be done by an explicit provision in the Act itself or whether this could be achieved by administrative action under the regulations framed by the Press Council for approval of the Central Government, without any formal amendment of the Act, should be considered by Government.

सत्यमेव जयते

XII. SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

1. The Committee is of the opinion that Government should bring forward an amending Bill for reorganizing the Press Council on proper lines.

2. The Committee is in favour of retaining the Press Council as a statutory body and making it more effective.

(Paragraph No. 20)

3. The Committee recommends that the new Council should come into existence at the expiry of the term of the present Council and suggests that all necessary steps should be addressed to this effect. The Committee also feels that it would be desirable if the terms of office of the present Chairman and other members of the Council could be made co-terminus which practice should obtain for future Councils also.

(Paragraphs No. 21 and 22)

4. The responsibilities attached to the Chairman are high and onerous and a part-time Chairman will not be able to spare either the necessary time or devote the constant attention required of him for the effective implementation of the various provisions of the Act. The Committee is, therefore, in favour of having a whole-time Chairman, his salary being fixed by the Central Government as already provided in the Act.

(Paragraph No. 26)

5. The selection of the Chairman need not necessarily be restricted to judges or any other categories of persons but should be kept open.

(Paragraph No. 27)

6. The principle of election of the Chairman in such a small Council consisting of 25 members, divided into various groups, namely working journalists, editors, proprietors and others, is likely to lead to undesirable trends. The Committee, therefore, favours the system of nomination of Chairman in preference to election and suggests that the Chairman of the Council should be appointed by a Committee consisting of the Chief Justice of India, the Chairman of the Rajya Sabha and the Speaker of the Lok Sabha.

(Paragraph No. 28)

7. The Committee considers that the method of election on the basis of an electoral college, for electing the members of the Press Council will not be suitable. The selection of the members, representing the profession should continue to be made on the basis of nomination from panels. However, the Chairman of the Press Council should not be associated with selection of the members nor should Government or the President of India or his nominee be involved in the process. The Committee recommends that the selection of the members representing the profession

should be made by a nominating Committee consisting of the Chief Justice of India, the Chairman of the Rajya Sabha and the Speaker of the Lok Sabha, from among the panels submitted by the organizations concerned. Those organizations should be requested to submit panels of names which should contain at least twice the number of members to be selected from that category.

(Paragraphs No. 38 and 39)

8. The Committee does not consider it necessary to disturb the present size of the Council for the present. The distribution of seats in the Press Council should be as follows :—

(1) Working Journalists :		
(i) Editors who are working journalists	..	6
(ii) Working Journalists other than editors	..	7
(2) Persons who own or carry on the business of management of newspapers		
	..	6
(3) Other members		
	..	6
	..	<hr/> 25 <hr/>

(Paragraphs No. 29 and 34)

9. The Act at present provides that out of the 13 Working Journalists, there should be "not less than" six editors. The Committee feels that the proportion of these two categories should be specifically determined and recommends that the editors who are Working Journalists [category 1(i) of para 34] should have six seats in the Council and no more or no less. The drafting of clause (a) of sub-section (3) of Section 4 should further be changed so that the qualifying words "who do not own or carry on the business of management of newspapers" apply not only to the editors but to the Working Journalists as well. It should also be provided that under each of the sub-categories of Working Journalists in para 34 there should be at least three persons belonging to the Indian languages newspapers.

(Paragraph No. 35)

10. As regards the six members representing the newspaper owners and managers, the distribution should be as follows :—

- (i) Two members from among the big newspapers (by inviting panels).
- (ii) Two members from among the medium newspapers (by inviting panels).
- (iii) Two members from among the small newspapers.

For this purpose the categories will mean—

- (1) **Big** : Circulation—above 50,000
- (2) **Medium** : Circulation—between 15,000 and 50,000
- (3) **Small** : Circulation—less than 15,000.

The Council should notify the organizations from whom the panels are to be invited. Taking into account the present position, the Committee feels

that the names of Indian and Eastern Newspaper Society and the Indian Languages Newspapers Association should be considered by the Press Council for inviting the panel for category 1 and category 2 respectively. As regards the small newspapers, it is noted that at present there is no all-India organization representing the small newspapers as such but that efforts are being made in this direction. Till such time as the Press Council recognises such an organization for inviting panels, the selection of these two members may be left to the discretion of the nominating Committee which may consult such associations or persons as it thinks fit. It should also be provided in the Act that out of the six members in the category of newspaper owners and managers at least three of them should be those belonging to the Indian languages newspapers.

(Paragraph No. 36)

11. As regards the organizations from which the panels are to be invited, the Press Council, as already provided in the Act, should periodically review the representative character of the organizations and notify the names of representative organizations from whom the panels can be invited.

(Paragraph No. 37)

12. The words "shall have due regard" appearing in sub-sections (4) and (5) of Section 4 of the Act should be removed and the drafting should be changed to provide that the considerations set out in those sub-sections will be binding on the nominating committee and not merely be directory or recommendatory.

(Paragraph No. 40)

13. The idea of including in the Council persons from outside the profession has been motivated by a desire to represent the opinion of the common reader on the Press Council. The Committee accepts it as a wholesome principle and recommends the continuance of this practice.

(Paragraph No. 43)

14. The Committee is not in favour of the present system of nomination of 3 members from the special fields of experience by a committee and suggests that the nomination of the 3 members may be entrusted to the following organizations :

- | | |
|-----------------------------------|--|
| (1) University Grants Commission. | One member from the fields of education, science and allied matters; |
| (2) Bar Council of India | One member from the field of law; and |
| (3) Sahitya Akademi | One member from the fields of literature and culture. |

(Paragraph No. 44)

15. The Committee recommends the continuance of three seats for the Members of Parliament with the present system of nomination by the Chairman of the Rajya Sabha and the Speaker of the Lok Sabha.

(Paragraph No. 45)

16. There is no provision in the Act for dealing with non-co-operation by a particular organization in sending their members to serve on the Council. There is also no provision in the Act to consider any objections raised by any organization or body regarding the correctness or otherwise of the selection of members to the Council. As the nomination of the members of the Council is recommended to be made by a high level committee, it will not be appropriate to provide in the Act for the establishment of an Appellate Authority over the decisions of that Committee. However, it would be desirable to make a specific provision in the Act to enable a review of its decisions by the nominating Committee either on receipt of a representation or otherwise. If any particular organization fails to submit panels when invited to do so, or otherwise does not co-operate in the constitution of the Council, the nominating Committee should be authorised to fill up their places by nominating persons either from the panels submitted by other organizations of the same category or by selecting individuals belonging to those categories. The working of the Council should not be held up on this account.

(Paragraph No. 48)

17. The Committee feels that the question whether there should be separate regional councils or advisory bodies to the all-India Council might be considered after the Council has worked for sometime.

(Paragraph No. 51)

18. The Committee accepts the need for the association of experts and persons with adequate knowledge of the concerned languages or problems in enquiring into complaints concerning newspapers in Indian languages or in dealing with problems and difficulties of regional newspapers and recommends that the Council may be empowered to nominate to its Committees, set up under Section 8 of the Act, to deal with particular issues or situations, persons as *ad hoc* members who may not even be members of the Council for particular purposes.

(Paragraph No. 29 and 52)

19. There is no need to revise the functions mentioned in clauses (a) to (e) of Section 12(2) of the Act. Clause (f) may be amended suitably, as suggested by the Council, to enable it to review the cases of foreign assistance to Indian newspapers on a reference from the Central Government or of its own. Establishment of common services for the supply and dissemination of news to newspapers is not a proper function of the Press Council and so clause (g) may be deleted. The Committee also recommends the retention of the functions mentioned in clauses (h) to (l), except that clause (i) may be amended suitably so as to exclude disputes under the Industrial Disputes Act from the purview of the Council.

(Paragraphs No. 54 to 62)

20. The Committee does not accept the suggestion that in cases where censure is called for, it should be administered only to the editor and not to anybody else.

(Paragraph No. 63)

21. The Committee does not support the suggestion of the Press Council that it should be given powers to compel a newspaper complained

against or, in the case of a working journalist, the newspaper in which he is employed, to publish the decision of the Council or of such portions of it as the Council deems fit.

(Paragraph No. 65)

22. The Press Council is primarily a professional body aimed at self-regulation of the Press and its character should not be basically changed into a sort of inquisitorial body. It would neither be desirable nor appropriate to empower the Press Council to make statutory or judicial enquiries for performing its functions except to the extent the Act provides. The Committee is not in favour of the suggestion of the Press Council for amending Section 13 of the Act in order to enable it to make enquiries in the course of performance of all its functions under Section 12.

(Paragraph No. 66)

23. The Committee does not support the suggestion that, in case of recurring censures, the Council may be empowered to make recommendations to the Government suggesting the course of further action to be taken e.g. stoppage of the allotment of Government advertisements, allocation of newsprint, press facilities, etc. Government can decide of their own what action is to be taken against a newspaper censured by the Council more than once. No specific provision need be made in the Act in this regard which might affect the functioning of the Press Council as a self-regulatory and independent body.

(Paragraphs No. 67 to 70)

24. If there is any matter of urgent public importance and interest which is enquired into or reviewed by the Council a report on the same need not wait for inclusion in the annual report of the Council. The Committee recommends that the Council may be given the discretion to include reports on matters enquired into or reviewed by it within the scope of its functions, either in its annual Report or to submit the same in the form of an interim report. The Government should lay the annual and other reports on the Table of both Houses of Parliament. A suitable provision to that effect should be incorporated in the Act.

(Paragraph No. 71)

25. In the context of the Press Council's suggestion that, for the purpose of performing its functions, it should be entitled to call for necessary information not only from the publishers of newspapers but also from the editor or any other person in the management or control of any newspaper or of any news service, the Committee is of the opinion that the purpose of the Council will be better served if sub-sections (1) and (2) of Section 14 are combined to read as follows :—

“For the purpose of performing its functions and while holding any enquiry under the Act, the Council shall have the same powers as are vested in a civil court while trying a suit under the Civil Procedure Code.....”

(Paragraph No. 73)

26. The Committee recommends acceptance of the suggestion of the Press Council that to remove any possible doubts about the limits of jurisdiction of the Council to summon witnesses, the Act may be amended to

provide that the powers of the Council under Section 14 will extend to the "entire territory to which the Act extends".

(Paragraph No. 74)

27. The Committee also accepts the suggestion of the Press Council for additional powers in regard to (i) 'requisitioning any public record or copy thereof from any public office' and (ii) 'any other matter which may be prescribed'.

(Paragraph No. 75)

28. Compulsion to disclose sources of news and information would be against generally accepted journalistic privilege and the Committee favours the inclusion of a proviso under Section 14 to provide that nobody shall be compelled to disclose the source of news of information published in a newspaper or a journal.

(Paragraph No. 76)

29. The Committee agrees to the Press Council's suggestion that Section 23 of the Act may be amended so as to empower the Council to frame regulations, *inter alia*, in respect of "any other matter for which under the Act regulations may be made."

(Paragraph No. 77)

30. After discussing the alternative methods of financing the Press Council, other than the way of financing through grants-in-aid, the Committee has come to the conclusion that, to secure flexibility for the future, the present arrangements whereby the budget of the Council is prepared depending upon its requirements annually and passed by the Parliament after due scrutiny, should continue.

(Paragraph No. 86)

31. For the reasons explained exhaustively in Chapter IX, there is no need to alter the existing definitions of the words "newspaper", "editor" and "working journalist". As regards the suggestion to exclude certain categories of press workers like the proof-readers from the definition of the term "working journalist", the Committee feels that it would be advisable to depend upon the good-sense firstly of the organizations concerned who are to submit the panels and secondly on the nominating machinery who will finalize the list of names.

(Paragraphs No. 87 to 91)

32. The Committee accepts, in principle, the suggestion that a person, merely because of his membership of the Press Council, should not be disqualified from becoming a member of the State Legislature and recommends that the members of the State Legislature be given the same protection from disqualification as in the case of Members of Parliament.

(Paragraph No. 93)

33. The Committee recommends that the office of the Press Council should be treated as a Government department for purposes of accommodation and its employees should be treated for purposes of residential accommodation and other service conditions on par with regular Government

servants. Lack of adequate accommodation for the Press Council and its employees has created handicaps in the way of proper functioning of the Press Council and, therefore, the Committee recommends that the Government should give priority in allotting adequate accommodation to the Press Council and its employees.

(Paragraph No. 95)

(Sd.) K. K. SHAH

Chairman

MEMBERS

RAJYA SABHA

(Sd.) NANDINI SATPATHY
(Dy. Minister, I. & B.)

(Sd.) GANGA SHARAN SINHA

(Sd.) NARLA VENKATESWARA
RAO

(Sd.) BHUPESH GUPTA

(Sd.) KRISHAN KANT

(Sd.) MOHAN MANIKCHAND
DHARIA

(Sd.) T. N. SINGH

LOK SABHA

(Sd.) C. K. BHATTACHARYYA

(Sd.) PREM CHAND VERMA

(Sd.) R. M. HAJARNAVIS

(Sd.) RAJENDRANATH BARUA

(Sd.) S. SUPAKAR

(Sd.) M. N. NAGHNOOR

(Sd.) MANUBHAI M. PATEL

(Sd.) A. B. VAJPAYEE

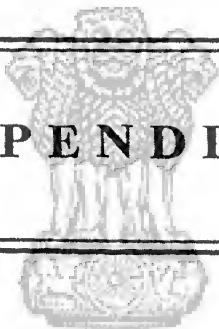
(Sd.) S. M. JOSHI

(Sd.) S. K. SAMBANDHAN

(Sd.) VIREN J. SHAH

New Delhi, dated
the 31st October, 1968.

APPENDICES



सत्यमेव जयते

APPENDIX I

Answer given to Starred Question No. 331 by Shri Krishan Kant in the Rajya Sabha on the 5th December, 1967 and supplementary questions and answers arising out of it.

PRESS COUNCIL ACT

*331. SHRI KRISHAN KANT : Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) whether Government propose to introduce a Bill to amend the Press Council Act to protect the spirit of the original legislation;

(b) whether Government have studied the demand of the Indian Federation of Working Journalists for amendment of the Statute to facilitate the re-constitution of the Council; and

(c) whether Government have noted the demand of Shri Mudholkar for financial independence and freedom from parliamentary control for the Council and revision of certain definitions incorporated in the Press Council Act ?

THE DEPUTY MINISTER IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRIMATI NANDINI SATPATHY) : (a) Government have not still made up their mind about introducing a Bill as suggested in part (a) above. Government propose to introduce a Bill to extend the Act to Jammu and Kashmir.

(b) The demands of the Indian Federation of Working Journalists are under consideration.

(c) Although no formal demand is received yet Government are aware of the demand of the Chairman of the Press Council for financial independence from Government control, the implications of which are under consideration.

SHRI KRISHAN KANT : Sir, in view of the fact that there has been a lot of criticism about the functioning of the Press Council and the unsatisfactory working of the various sections of the Press Council Act, I do not know why the Government is taking so much time to reconsider and to bring forward amending Act in the form of a Bill before this House, when the situation is such. May I know from the Hon'ble Minister if it is a fact that Mr. Chalapati Rao, a prominent and progressive journalist of this country, was asked to become a member of the Press Council but he declined to associate himself with it ? And, secondly, is it a fact that the nominated Member of the Chairman of the Rajya Sabha on the Press Council, who represents this august House, wanted to resign from the Press Council because of its bad functioning, and that it was at the request of the Hon'ble Minister that he has withheld his resignation and since then has not been attending the meetings of the Press Council ?

SHRI K. K. SHAH : Sir, this is a very difficult question.

SHRI BHUPESH GUPTA : How it is difficult ?

SHRI K. K. SHAH : The Press Council is an autonomous body. The Press Council does not like any inquiry also by us.

SHRI A. D. MANI : It is under parliamentary control.

SHRI K. K. SHAH : Therefore, if the House asks me, Sir, I shall find out and place the information before the House. If on my own I make any inquiries, then it will be resented by the Chairman of the Press Council. But the House is supreme. If you ask me to make inquiries, I will make the inquiries, but I wanted to take a little cautious line on this.

SHRI BHUPESH GUPTA : We should be associated.

SHRI GANGA SHARAN SINHA : Sir, I do not want to take the time of the House during the Question Hour, but as the Member representing this House on the Press Council, I would like to take your permission after the Question Hour is over to place some facts before this House, because I am in a very embarrassing position. Therefore, as the representative of this House I would like to place facts before you and through you to the House after the Question time is over.

SHRI M. P. BHARGAVA : May I submit, Sir, that after the statement has been made by Shri Ganga Sharan Sinha, a half-an-hour discussion be allowed on the subject?

SHRI BHUPESH GUPTA : Two hours' discussion.

SHRI M. P. BHARGAVA : So much is not necessary.

MR. CHAIRMAN : I suggest to Mr. Sinha to make the statement so that it would be useful.

SHRI GANGA SHARAN SINHA : I shall do so, Sir, but I do not want to take the time of the Question Hour.

SHRI BHUPESH GUPTA : At this stage he can make the statement, a good thing. Sir, you have been flexible enough and that is the majesty of your ruling. After that we should be allowed to put supplementaries. After that you should kindly fix some time for a brief discussion—Press Council is a very important matter.

SHRI GANGA SHARAN SINHA : Personally I have no objection but it will take some time, and I do not want to take the time of the Question Hour.

SHRI KRISHAN KANT : I put my second question now, Sir. Has the Minister come to know that there have been complaints that the proceedings of the Press Council are not properly written or are changed or manipulated later on, and that the Chairman considers himself supreme and the Council is treated only as an advisory body—in practice?

SHRI K. K. SHAH : I have to make inquiries because it is an autonomous body. May I request at this stage that if the hon. Members put all the questions then it will be possible for me to be prepared for the half-an-hour discussion? You wanted half-an-hour discussion.

SHRI BHUPESH GUPTA : I want two hours' discussion.

SHRI ARJUN ARORA : Sir, may I know if the Government is aware of the fact that right from the beginning, right from its formation, the Press Council has been involved in quarrels amongst its members and at the moment it has no representative of the working journalists? This has been in existence for more than one year. May I know what action, if any, the Minister has taken to remedy that glaring defect, which has made the Press Council in-effective and useless? And, secondly, Sir, may I know if the Government is aware of the fact that the Chairman and some members of the Press Council have been making trips abroad and producing nothing? May I know if prior sanction of the Minister was taken for the trips of the Chairman and his colleagues abroad and, if so, what amount of money was sanctioned to be wasted in these trips?

SHRI K. K. SHAH : Sir, under the Press Council Act I have no powers to control this; it is entirely left to the executive committee of the Press Council. It is true that there is a dispute going on between the Federation of Working Journalists about their representation, and the Press Council. In my unofficial capacity—I hope that is not resented by the Chairman—I have been trying my best to bring about some understanding between them, and it is also true that these efforts have not succeeded. The Chairman has taken a strictly legal point of view because, under the Press Council Act, there was a committee consisting of the Chief Justice of India, the Chairman, and a nominee of the President. It is this Committee who decide the names. Now to these names the Federation of Working Journalists have taken certain objections. I tried my best twice to meet the situation, but the dispute still subsists.

SHRI BHUPESH GUPTA : I am a working journalist.

SHRI A. D. MANI : I am a journalist also.

SHRI BHUPESH GUPTA : But Mr. Mani is a journalist of reaction; I am a journalist of progress.

SHRI BANKA BEHARY DAS : I am also a journalist of progress. Now my question, Sir. It is astonishing that even when this question has been there, the Minister has not prepared himself for the probable supplementaries after inquiring from the Press Council. The way the Press Council has started working specially because of the obstinacy of the Chairman, he has only earned ill-will among even responsible quarters. May I know, Sir, whether the Chairman is trying to create a post of Vice-Chairman to give some berth to one of his friends and whether the workload of the Press Council Chairman has become so much that such a post is justifiable in the present circumstances?

SHRI K. K. SHAH : I do not agree with my friend that I am not prepared for the supplementaries so far as the question is concerned; it is not fair. I am prepared for the supplementaries so far as the question is concerned, so far as the other information is concerned. My friend ought to realise that this is an autonomous body, and if I make any inquiries more than what is permitted under the Act, I will be in difficulty again in the House. Therefore, if you ask me I will make inquiries.

SHRI ARJUN ARORA : On a point of order, Sir.

MR. CHAIRMAN : I would discourage points of order during question time.

SHRI ARJUN ARORA : Sir, the hon. Minister repeatedly stated that he would make enquiries as soon as this House orders him to do so. Sir, we can only ask him questions and that we are doing. Will you please order him to come prepared with all the facts next Tuesday?

SHRI BHUPESH GUPTA : The Chairman of the Press Council is the nominee of the Chief Justice of India and then the Chairman and the Chief Justice and another person nominate 23 out of the 26 members of the Press Council. Is this the fact? That is what I want to know.

SHRI K. K. SHAH : Sir, I think I may read out the relevant provision from the Act itself :

"The members shall be nominated by the Chairman thereof and save as aforesaid, all the other members referred to in sub-section (3) shall be nominated by a Committee consisting of the Chief Justice of India, the Chairman of the Council, and a person to be appointed by the President of India; and in making any such nomination the Committee shall pay due regard to the consideration that not more than one person interested in any newspapers" etc.

SHRI A. D. MANI : May I ask the hon. Minister whether he is aware of the fact that the Press Council is not working because the profession has not taken the Council seriously? The Press Council Act was passed when the Prime Minister was the Minister of Information and Broadcasting and we had all high hopes of the Press Council. But I am told that one case that has come up is that of a Member of the other House who is editing a journal in Bombay and he has been hauled up before the Press Council for some cartoon. Is it a fact that the Press Council is not receiving any cooperation from the journalists? If so, will the Government come forward with a measure to repeal the Act and for this will the cooperation of the profession be sought, instead of doing it by a statute of Parliament?

SHRI K. K. SHAH : I thought that the recommendation of the Federation of Working Journalists would be considered by the Executive Committee of the Press Council and if I get the considered recommendations of the Executive Committee of the Press Council then it would be easier for me to come before the House with an amendment of the Act. If *suo motu* I come with an amendment it is likely to be misunderstood. That is why I am grateful to Shri Ganga Sharanji.

SHRI BHUPESH GUPTA : You could dismiss the Haryana Ministry *suo motu* and you can't do anything here?

SHRI K. K. SHAH : Why mix up the Haryana question with the Press Council? I am grateful, as I was about to say, to Shri Ganga Sharanji for continuing at my request.

SHRI NIREN GHOSH : Sir, is it a fact that the Chairman of the Press Council had asked the Government that he may be nominated as a Member of the Rajya Sabha? Is it a fact that these 23 nominees on the Press Council are a packed body subservient to the Government and that it is

working not for safeguarding the independence of the press in India but for safeguarding the dependence of the press on the Government?

SHRI K. K. SHAH : That is an entirely unjustifiable allegation because the 23 members to be nominated to this Council are nominated by a Committee consisting of the Chief Justice of India, the Chairman of the Council and a person to be appointed by the President of India. Therefore you cannot say that they are a packed body. Also 13 members among them will be from working journalists, 6 will be from persons who own or carry on the business of the management of papers, 3 will be from persons having special knowledge or experience in the field of education, science and so on, and 3 others of whom 2 will be from among Members of the Lok Sabha and one from the Members of the Rajya Sabha. Therefore, I say this is an entirely unjustifiable allegation.

SHRI NIREN GHOSH : What about my other question. Did the Chairman of the Council want to be a Member of the Rajya Sabha?

SHRI K. K. SHAH : Officially no such intimation has come to me.

SHRI B. K. P. SINHA : May I know from the hon. Minister whether the Press Council Act was passed after a great deal of deliberation by the House and by the Government? Is it not a fact that the profession itself desired that people holding high judicial positions should be associated with it? Is it not a fact that the present Chairman of the Press Council resigned a substantive post of the Judge of Supreme Court and then took up this work? He was a Judge of the Supreme Court. Not only is he himself eminent, he is eminent even in his parentage, his father being Shri Mudholkar who was once President of the Indian National Congress. Now he was a Judge of the Supreme Court and he was nominated by the President. May I know, if they are facing trouble, is it not likely that it is because unlike politicians they are not everything to everybody, in conducting the affairs of the Press Council? Why should the hon. Minister try to be apologetic? Is there any justification for any amendment of the law? If these three highly placed persons are facing trouble then it must be due to something in the other party due to their behaving unreasonably.

SHRI K. K. SHAH : I am very sorry to say that my hon. friend is not justified in making that remark that the attitude of the Minister was apologetic. He ought to know the facts better. I regret having to say that. If he remembers the facts he will also see that my attitude is absolutely just as it ought to be, and in the circumstances I could not have taken up any other attitude. I do agree that Shri Mudholkar was a very eminent Judge of the Supreme Court. I have no quarrel with him and no misunderstanding has developed with him. On the contrary he has appreciated my attitude very much.

SHRI CHANDRA SHEKHAR : Mr. Chairman, the hon. Minister has just stated that after getting a direction from the House he will enquire into certain matters. But certain facts must be in his possession and those facts have been indicated in the question itself. Is it a fact that this Chairman of the Press Council who is a very qualified and distinguished person has asked for immunity from parliamentary control on financial matters of the Council? That fact must be in the possession of the hon. Minister. The other question is the one raised by Shri Krishan Kant, that a prominent person like Shri Chalapathi Rao had refused to serve on this Council. Is

this a fact? Is this fact in the possession of the hon. Minister? Also if Shri Ganga Sharanji has sent in his resignation, he must have also sent a copy of his resignation letter to the hon. Minister. What are the facts that he has stated in his letter of resignation? And what are the facts in the refusal letter of Shri Chalapathi Rao? These facts should be in the possession of the hon. Minister and so he should tell us.

SHRI K. K. SHAH : I will read out the letter of the Chairman. He has not officially sent to us any communication about financial control. What he said in a press statement is this. This has appeared in "Vidura" of November, 1966 :

"Unfortunately its sole financial source is the Government and the grant is to come not from Parliament but from the Government. This leaves a wide scope for interference and activities contemplated and schemes proposed by the Council which would involve expenditure of money have, in fact, to be approved by the Government, which in actual practice would mean the approval by departmental officials. This is not a happy prospect."

This is what he has said. So far as the other question is concerned, it is true that Mr. Chalapathi Rao either refused to serve on the Council or resigned after he was nominated. That is also true.

SHRI CHANDRA SHEKHAR : What was stated in his letter of refusal? That is what I want to know, as also what Shri Ganga Sharanji has written in his letter of resignation.

SHRI K. K. SHAH : May I tell Shri Chandra Shekhar that resignations do not come to us? They go to the Chairman and no copy is sent to me.

SHRI M. M. DHARIA : But is the hon. Minister aware of it or not?

SHRI K. K. SHAH : I am aware of it.

SHRI CHANDRA SHEKHAR : Are we to take it that you have not received any copy of the letter?

SHRI M. GOVINDA REDDY : Now, it is very clear that the Chairman is behaving like a despot in the running of this Council. I want to know whether the Federation of Working Journalists has made a representation to the Minister about the attitude of the Chairman and may I also know that in matters of finance several irregularities have come to the notice of the Minister?

SHRI K. K. SHAH : Sir, a representation has been made by the Federation of Working Journalists and it has been forwarded to the Chairman of the Press Council. So far as the irregularities are concerned, the accounts are audited and they have been placed on the Table of the House.

SHRI M. M. DHARIA : Mr. Chairman, while appreciating the cautious approach of the hon. Minister, when the hon. Minister is now seized of several facts and when it is the desire of this House that he should reveal those facts, may I know from the hon. Minister what are the reasons given by Ganga Sharan Babu for his resignation, the reasons for its rejection and

also why Mr. Chalapathi Rao did not accept the offer. Secondly, now that the hon. Shri Ganga Sharan Sinha will be making a statement on the basis of the various questions put to the hon. Minister, I would appeal that the hon. Minister also should place on the Table of the House a statement and then this matter should be discussed for two hours. When this Press Council Act came into force it was the desire of all of us that it should be an autonomous body, that it should function independently and not according to the whims of any individual; whether he is a Justice or whether he belongs to the Supreme Court or he belongs to any other category, he shall have to behave in a just and reasonable manner and he has to render justice. If persons of that category are not in a position to do that, then the Government will have to think of some other ways. In this connection may I know from the hon. Minister whether he is prepared to make a detailed statement on the floor of the House?

SHRI K. K. SHAH : As I have indicated in the House, after my hon. friend, Ganga Sharan Babu, makes a statement I will get the facts and place them here.

श्री जगत नारायण : मैं वजीर साहब से जानना चाहता हूँ, जिस प्रेस काउंसिल के मुताल्लिक पन्द्रह बीस मिनट इस हाउस में बहस होती रही है, उस प्रेस काउंसिल पर अब तक कितना रुपया खर्च हुआ है ? मेरा दूसरा सवाल यह है कि क्या इस प्रेस काउंसिल ने अपनी कोई इंटेरिम रिपोर्ट अपने काम की बाबत सबमिट की है और अगर नहीं की तो क्या वजीर साहब उसको मंगा कर हाउस की टेबल पर रखेंगे ?

SHRI K. K. SHAH : So far as the expenses are concerned, the grants are indicated in every Budget but if my hon. friend wants particulars about the amount of the grants I will place them.

श्री जगत नारायण : मेरे दूसरे सवाल का जवाब नहीं आया ।

SHRI K. K. SHAH : Report has been placed on the Table of the House.

APPENDIX II

Statement of Shri Ganga Sharan Sinha in the Rajya Sabha on the 6th December, 1967 and further discussion arising out of it

श्री गंगा शरण सिंह (बिहार) : श्रीमन्, प्रेस कौंसिल के संबंध में कुछ निवेदन करने का आपने मुझे जो अवसर दिया है, उसके लिये मैं आपका आभारी हूँ। इस संबंध में कुछ कहने से पहले, प्रथम मैं यह निवेदन करना चाहता हूँ कि मेरी यह धारणा है कि प्रेस कौंसिल को अगर सफलतापूर्वक अपने कर्तव्यों का पालन करना है तो उसमें गवर्नमेंट की दस्तन्दाजी नहीं होनी चाहिये। गवर्नमेंट का कोई दखल प्रत्यक्ष और अप्रत्यक्ष रूप से उसमें नहीं होना चाहिये और तब ही प्रेस कौंसिल अपने कर्तव्यों को पूरा कर सकेगी।

प्रेस कौंसिल एक वर्ष से भी अधिक समय से काम कर रही है। यह प्रेस कौंसिल के काम करने का दूसरा वर्ष है। लेकिन कानूनी दृष्टि से हो या नहीं लेकिन व्यावहारिक दृष्टि से यह अधूरी है।

मैं जब यह कहता हूँ तो उसके लिये मैं आपको यह बतलाना चाहता हूँ कि 26 व्यक्तियों की प्रेस कौंसिल बनती है। दूसरा वर्ष चल रहा है प्रेस कौंसिल का लेकिन अभी तक उसके 22 ही मेम्बर हुए हैं। चार मेम्बर अभी भी इसके नहीं बने हैं और यह प्रेस कौंसिल पूरी नहीं है। दूसरी बात यह है कि ये चार मेम्बर कोई ऐसी बिखरे हुए नहीं हैं बल्कि वर्किंग जर्नेलिस्ट फेडरेशन हैं उनका कोई रेप्रिजेंटेटिव इसमें नहीं है। जिनको नामिनेट किया गया था, जिन को नामजद किया गया था, उन्होंने कौंसिल में काम करने से इन्कार किया। उन लोगों में से श्री चेलापति राव जैसे व्यक्ति भी हैं कि जिन को चाहा गया था कि वे आये प्रेस कौंसिल में, लेकिन वे भी नहीं आये। मैं इस अवसर पर इस विषय में नहीं जाना चाहता कि इसमें गलती वर्किंग जर्नेलिस्ट्स फेडरेशन की है, या गवर्नमेंट की है या जो नामजद करने वाली कमेटी है उसकी है, वह आज का विषय नहीं है। अगर आये यह मामला आयेगा तो इस पर मैं अपने विचार व्यक्त करूंगा। लेकिन आज परिस्थिति यही है कि दूसरा वर्ष होते हुए भी अभी भी प्रेस कौंसिल का कम्पोजीशन एक तरह से पूरा नहीं हुआ है और वह काम कर रही है। इस सम्बन्ध में मैंने सरकार का ध्यान आकर्षित किया चूंकि सरकार ही इसके मामले में कुछ कर सकती है या पार्लियामेंट कर सकती है। प्रेस कौंसिल स्वयं इस सम्बन्ध में कुछ नहीं कर सकती क्योंकि जहां तक प्रेस कौंसिल का सवाल है अपने मेम्बरों की नामजदगी के बारे में, उसको कोई अधिकार नहीं है।

इस सम्बन्ध में मैं यह भी निवेदन कर दूँ कि जहां तक संभव हो मैं किसी का व्यक्तिगत रूप से उल्लेख नहीं करना चाहता। ऐसा मेरा स्वभाव भी नहीं है और मैं यह उचित भी नहीं समझता। इसलिये यदि इसमें कहीं किसी व्यक्ति का उल्लेख आये तो वह मेरी लाचारी ही समझी जाये और उसे मामले को स्पष्ट करना समझा जाये। न तो मैं किसी व्यक्ति का उल्लेख करना चाहता हूँ, न आक्षेप करना चाहता हूँ। शुरू में ही एक नीति की बहुत बड़ी गलती हुई है। मैं समझता हूँ कि प्रेस कौंसिल के निर्माण में नीति की गलती यह है कि जिस आदमी को प्रेस कौंसिल की अध्यक्षता करनी है, जिस आदमी को प्रेस कौंसिल की सदारत करनी है, मेरा ऐसा ख्याल है कि प्रेस कौंसिल के मेम्बरों को नामजद करने में उसका हाथ नहीं होना चाहिये, नहीं तो बिल्कुल स्वाभाविक है कि जिस को सदारत करनी है उसकी इस बात की साधारण चेष्टा होगी, साधारण उसका झुकाव

होगा, न चाहने पर भी शायद होगा कि ऐसे लोग उसमें ज्यादा आवें जो उसका मत मानने वाले हों या जिन पर वह निर्भर कर सके। इसे मैं गलती की या बेईमानी की बात बिल्कुल नहीं मानता। ऐसा बिल्कुल स्वाभाविक है। इस लिये पहली मूलभूत गलती यह हुई है। दूसरी गलती यह है कि हिन्दुस्तान के चीफ जस्टिस को इस मामले में नहीं घसीटना चाहिये था। किसी भी विवादास्पद मामले में जिस में विवाद हो सकता है, वहस हो सकती है, आक्षेप हो सकते हैं उसमें हिन्दुस्तान के चीफ जस्टिस को घसीटने वाली जो बात हुई है वह भी गलत हुई है और उसके भी परिणाम अच्छे नहीं निकले हैं। लेकिन इसे दूर करने का काम न तो प्रेस कौंसिल कर सकती है और न कोई दूसरा कर सकता है। यह काम तो पार्लियामेंट के जरिये गवर्नमेंट कर सकती है। इसलिये मैं समझता हूँ कि प्रेस कौंसिल को अगर सही तरीके पर चलाना है तो प्रेस कौंसिल के एक्ट में संशोधन होना चाहिये और प्रेस कौंसिल का नये सिरे से निर्माण होना चाहिये।

दूसरी दिक्कत यह हो गई है प्रेस कौंसिल में कि उसमें मैं समझता हूँ कि जिन विषयों की ओर विशेष ध्यान दिया जाना चाहिये, कई कारणों से उनकी ओर ध्यान नहीं दिया जा सका है। ऐसे विषय उसके एजेंडा पर आने लगे हैं जो मेरी साधारण बुद्धि की दृष्टि से उचित नहीं हैं, जैसे एक विषय हमारे यहां प्रेस कौंसिल में आया, एजेंडा पर रखा गया अध्यक्ष की ओर से कि प्रेस कौंसिल के चेयरमैन जो हों उनके संबन्ध में सरकार से निवेदन किया जाये कि उनको राज्य सभा का सदस्य मनोनीत किया जाये। मुझे जहां तक पता है यह सिर्फ प्रेस कौंसिल के एजेंडा पर ही नहीं रखा गया बल्कि इस सम्बन्ध में इन्फार्मेशन एंड ब्रॉडकास्टिंग के मिनिस्टर को खत भी लिखा गया कि सरकार को इस दिशा में चेष्टा करनी चाहिये कि प्रेस कौंसिल का चेयरमैन राज्य सभा का सदस्य मनोनीत हो जाये। मैं नहीं समझता कि प्रेस कौंसिल का यह भी एक कर्त्तव्य है कि उसका चेयरमैन जो हो वह राज्य सभा का नामिनेटेड मेम्बर हो।

अभी प्रेस कौंसिल की कार्यवाही जिस तरह से शुरू हुई है उसमें ऐसे कामों का लेना शुरू किया गया परिस्थितिवश, जिन कामों को मैं समझता हूँ कि नहीं लेना चाहिये। इसीलिये मेरा यह भी ख्याल है कि प्रेस कौंसिल के निर्माण के लिये अगर कोई संशोधन आवे तो प्रेस कौंसिल के अन्दरूनी मामलों में तो दखल नहीं देना चाहिये, लेकिन प्रेस कौंसिल की फंक्शनिंग के लिये, उसका काम चलाने के लिये पार्लियामेंट को मोटे तौर से दिशा निर्देश भी करना चाहिये। जैसे मैं एक उदाहरण दूँ। अभी प्रेस कौंसिल में एक मामला पेश है कि यहां एक प्रेस इंस्टिट्यूट प्रेस कौंसिल की तरफ से चलाया जाये। मैं अभी तक पूरी तरह से नहीं समझ सका हूँ कि उस प्रेस इंस्टिट्यूट का क्या रूप होगा, उसका क्या परिणाम होगा क्योंकि प्रेस इंस्टिट्यूट में जो लोग शिक्षा पायेंगे, तत्काल उनका उपयोग किये जाने का प्रश्न उठेगा। दूसरी बात यह है कि प्रेस इंस्टिट्यूट कोलम्बो प्लान की मदद से चलेगा। प्रेस कौंसिल के चेयरमैन अभी इंग्लैंड गये थे और वहां उन्होंने बातें कीं और शायद कोलम्बो प्लान से कुछ मदद लेने की बात हुई है। मैं समझता हूँ कि ये मामले ऐसे हैं जिन में एक्सटर्नल अफेयर्स मिनिस्ट्री, फायनान्स मिनिस्ट्री और दूसरों की भी सलाह लेनी चाहिये। यह केवल प्रेस कौंसिल का मामला नहीं है। चूंकि हम कोलम्बो प्लान से अगर मदद लेंगे तो उसमें सिर्फ पैसे नहीं मिलेंगे, इक्वीपमेंट भी लेना पड़ेगा, सामान भी लेना पड़ेगा और सामान लेने के माने हैं कि वह जितना सामान हमको मिलेगा, हम को जो टोटल मदद मिलने वाली है उसमें से वह घटेगा, उसका वह हिस्सा होगा। और सामान के माने यह हैं कि टाइपराइटर वगैरह हम बनाते हैं अपने मुल्क में, लेकिन हमें ऐसा लगता है कि हम मदद लेंगे तो हमें टाइपराइटर भी बाहर से मंगाना पड़ेगा और दूसरा ऐसा सामान भी बाहर से मंगाना पड़ेगा जो अपने मुल्क में तैयार होता है।

इस तरह से आज परिस्थिति यह हो गई है कि एक तरह की ज़िच हो गई है प्रेस कौंसिल और उसका ठीक तरह से फंक्शन करना मेरी दृष्टि से संभव नहीं रहा है। परिस्थिति यहां तक आ गई है कि जो प्रोसीडिंग्स लिखी जाती हैं उनके बारे में भी होना संभव नहीं होता है। आप को सुन कर ताज्जुब होगा कि चार छः महीने पहले जो प्रोसीडिंग्स लिखी गई, जो कार्यवाही लिखी गई, वह आज तक फाइनल नहीं हुई है। पिछली बैठक में एक सब-कमेटी बनाई गई है प्रोसीडिंग्स को फाइनल करने के लिये। यह परिस्थिति आज हो गई है प्रेस कौंसिल की। मैं उदाहरण के लिये कहूँ कि बम्बई में एक मीटिंग हुई थी और उस मीटिंग में यह एक सुझाव आया था कि प्रेस कौंसिल के चेयरमैन विलायत जाएं और ब्रिटिश प्रेस कौंसिल से मिलें तो अधिकांश सदस्यों की यह राय थी कि अभी जितना प्रेस कौंसिल का काम हुआ है जो परिस्थिति है, उसमें प्रेस कौंसिल के चेयरमैन को विलायत नहीं जाना चाहिये। लेकिन आप को सुन कर आश्चर्य होगा, ताज्जुब होगा, शायद दुख भी होगा कि यह मामला दर्ज नहीं किया गया कार्यवाही में, प्रोसीडिंग में और अधिकांश मेम्बरों की राय के होने के बावजूद प्रेस कौंसिल के चेयरमैन विलायत गये। वे किस के खर्चे से गये? सुना था कि प्रेस कौंसिल का खर्चा नहीं हुआ, मुझे पता नहीं है। लेकिन ये सारी चीज़ें ऐसी हो गईं जिस में हमारे जैसे आदमी का वहां काम करना संभव नहीं रहा और मुझे ऐसा लगता है कि प्रेस कौंसिल जिस उद्देश्य से बनी थी, उस उद्देश्य की पूर्ति नहीं हो पाई है।

ऐसी बहुत-सी छोटी छोटी बातें हैं जिन के सम्बन्ध में मैं नहीं जाना चाहता। आज प्रश्न संख्या 368 में यह प्रश्न उठाया गया था कि निवास-स्थान पर आफिस रखना चाहिये या नहीं रखना चाहिये और उसके चलते क्या क्या खराबियां पैदा होती हैं। हमारी प्रेस कौंसिल भी उसका शिकार है। इन छोटी-छोटी बातों की तरफ जाने का न मैं आदी हूँ और न इस तरह पब्लिकली कहने का आदी हूँ। बहुत-सी छोटी ऐसी बातें हैं जिन का उल्लेख करने में भी शर्म मालूम होती है। इसी लिये मैंने यह निर्णय किया कि मैं प्रेस कौंसिल से हट जाऊँ। मैंने कुछ सदस्यों से भी कहा और स्टाफ के लोगों से भी कहा और मैंने अपना इस्तीफा लिखा भी। मैंने तो नहीं कहा, लेकिन पता नहीं कैसे इन्फार्मेशन ऐंड ब्राडकास्टिंग के मिनिस्टर श्री के० के० शाह को खबर लग गई और वे मेरे पास आये और उन्होंने बहुत अनुनय किया, अनुरोध किया और मुझ पर दबाव डाला। उन्होंने कहा कि मैं इन चीज़ों को दुस्त करूँगा और उसके लिये जो भी कार्यवाही होगी, वह करूँगा। इसका परिणाम यह हुआ कि जो इस्तीफा मैंने आपके सामने देने के लिये लिखा था वह इस्तीफा आज भी मेरे पास फाइल में पड़ा हुआ है दस्तखत किया हुआ। उनके अनुरोध पर मैं ने वह इस्तीफा नहीं दिया। लेकिन मैं इस हाउस का प्रतिनिधि हूँ वहां प्रेस कौंसिल में और मैं इस तरह के इम्बैरैस-मेंट में हूँ, इस तरह की परेशानी में हूँ। इन्फार्मेशन ऐंड ब्राडकास्टिंग के मिनिस्टर को यह कहे हुए भी तीन चार महीने हो गये कि वे सब मामले ठीक कर देंगे, लेकिन आज तक कोई मामला ठीक नहीं हुआ। ऐसी परिस्थिति में मैं समझता हूँ कि मेरा यह कर्तव्य था कि मैं राज्य सभा के सामने, आपके सामने अपनी दिक्कत बयान करूँ। मैं आम तौर से किसी पार्लियामेंट्री कमेटी में नहीं रहा हूँ अपने पार्लियामेंट के जीवन में और न मैं किसी पार्लियामेंट्री डेलीगेशन में गया हूँ सिवाय एक के जो पाकिस्तान युद्ध के समय मोर्चे पर गया था यहां पार्लियामेंट की तरफ से विश्वभारती या प्रेस कौंसिल आदि में रहा हूँ। इस लिये मुझे यह पता नहीं है कि पार्लियामेंट की जो कमेटी हैं उनका क्या फंक्शन है। लेकिन एक अनुरोध मैं जरूर आपसे करना चाहता हूँ कि संसद की तरफ से या इस सदन की तरफ से कोई मेम्बर अगर किसी बाड़ी में हो तो उसके लिये ऐसा प्राविजन होना चाहिये रूल्स आफ प्रोसीजर में, कार्यपद्धति में कि जिस बाड़ी में वह हो उसके सम्बन्ध में वह नियमित रूप से कोई रिपोर्ट दे सके। ऐसा प्राविजन रूल्स आफ प्रोसीजर में जरूर होना चाहिये।

मेरी समझ में नहीं आता था कि इस विषय में किस तरह से मैं सदन के सामने आऊँ। इसी लिये इतने दिनों तक यह संभव नहीं हो सका। यह मुझे आपसे निवेदन करना था। इसके बाद जो आप आदेश देंगे, उसका मैं पालन करूँगा।

SHRI BHUPESH GUPTA (West Bengal) : Sir, I have a submission to make. What the hon. Member has said not only is a serious indictment of the functioning of the Press Council but the matter bears on the subject of his own work. Here is a Member whom we sent to function in the Press Council, and I believe you will agree with me that we could not have found a better man than Mr. Ganga Sharan Sinha. We sent him there. Today he comes and says this thing in deep disappointment and utter frustration and with sadness in his heart. How are we going to tackle it now? It is quite clear that this matter has to be given attention by the entire House now. Mr. Ganga Sharan Sinha's statement itself is a subject matter of discussion in this House. It is quite clear that many irregular things are happening including visits to London by the Chairman of the Press Council. We should like to know why it happened. When a Member says such a thing, we should take it seriously. What is surprising is, here is a supposed Press Council and we have got High Court Judges or retired Judges but not a representative of the working journalists. Sir, we may have there some people who run the turf grounds but, what about the representative of the working journalists? For two years some of the places have not been filled; four places are going vacant, and there again those who are prevented from coming are working journalists. One who came, Mr. Chalapathy Rao, has been forced to leave this thing. This is the position. Many things my friend has said. Every single point he has made is serious, and you know Mr. Ganga Sharan Sinha is a non-party man. He never says such a thing unless he himself in his own wisdom and in the larger public interest is obliged to say so. In fact he was hesitating to say even this thing. I am very glad he has said it. Therefore, I say that Mr. Ganga Sharan Sinha has done us a great justice by tendering his resignation as all honourable men should do in comparable situations. Then we would like the Press Council Bill to come to us. We would like to amend it in this very session. We would like to remove the lacunae and loopholes so that this kind of irregularities, wire-pullings and malpractices do not take place. The Press Council must represent the body of working journalists first and foremost. Otherwise the Press Council is not worth looking at.

I would like to know from Mr. K. K. Shah whether he was acting as a kind of broker between the Chairman and Mr. Ganga Sharan Sinha that he tried to persuade him not to press his resignation while he himself was doing nothing in order to change the situation? He says he cannot act *suo motu* Government brings a Bill *suo motu*. That is why Government is for. Why Mr. Shah did not come to the House, tell us, and bring an amending Bill? He did not intend to do so, but law takes its own course. He has been put at the bar of the House. We should like to know what is his relationship with the Chairman of the Council, and certainly the Chief Justice should be taken out of the picture. We would like a democratic working journalist to be the Chairman of the Press Council by the support and full approval of this House and the other House. These are matters which should be clarified.

Before I sit down, nothing short of a clear and forthright amendment of the Press Council Act would satisfy us, and I think we can find ample time to push through an amendment in this very session.

Before I sit. I would like Mr. K. K. Shah to say something about this.

SHRI HARISH CHANDRA MATHUR (Rajasthan) : Mr. Chairman, you in your wisdom have permitted Sinha Sahib to make a statement and he has made his observations. Now this House is seized of the whole matter, and the House certainly cannot ignore what has been said when these very grave allegations have been made. These facts have now been brought to the notice of Parliament which is the supreme body. I think we should permit the Minister of Information and Broadcasting to take note of these facts and come to the House with his proper suggestions as to how he proposes to deal with this matter, and the House will then be in a position to discuss it.

SHRI BHUPESH GUPTA : I have given notice of a motion that the House direct the Minister of Information and Broadcasting to start immediate investigation and that he associate three Members of the House nominated by the Chairman for the purposes of this investigation. The hon. Minister said that he would like to have the direction of the House.

SHRI HARISH CHANDRA MATHUR : In the light of these facts which have been brought to light, the Minister should be called upon as a matter of fact to come to the House with his proposals, and the House will be seized of those proposals and will come to a decision of its own as to what should be done.

SHRI M. M. DHARIA (Maharashtra) : Sir, may I bring to your notice the proceedings of yesterday? Yesterday it was decided by you that Mr. Ganga Sharan Sinha should make his statement. Thereafter the hon. Minister concerned should take into consideration the statement made by Mr. Sinha and he should lay his statement on the Table of the House and then there should be a discussion on the motion that was brought before the House yesterday. It was decided like that.

MR. CHAIRMAN : I would like to ask the Minister if he will be in a position to make a statement a week later so that afterwards discussion might take place.

SHRI BHUPESH GUPTA : Yesterday the hon. Minister said—you consult the proceedings—he is ready if he got the direction from the House. He has asked for a direction from the House. He was right in that. Immediately, hardly had his words dropped from his lips, I drafted a motion and gave it. Let that motion be considered; make suitable amendment. It is not merely a question of making a statement, he should investigate, and he wants direction from the House. We would like you to nominate any three or five members you like to be associated with the investigation. We are not asking for election. We leave it in your hands. I hope you will accept my suggestion.

SHRI P. N. SAPRU (Uttar Pradesh) : One suggestion. As a reference has been made by my esteemed friend to the Chairman, in fairness to the Chairman we should have the Chairman's version also before us, and I hope that the Minister of Information and Broadcasting will place before us also the Chairman's version.

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI K. K. SHAH) : Sir, I have no other quarrel except the use of the words "acting as a broker", because my hon. friend ought to know that

there is an Act passed by Parliament, and under the Act of Parliament he should know that the Minister can do nothing except use unofficially his good-offices, if you call it brokership, if you call it anything else, nothing else can be done.

SHRI BHUPESH GUPTA : You have the power to come to Parliament and get the law amended.

SHRI K. K. SHAH : If I would have come before Parliament, the same friend would have got up and said. Here is a man who wants to interfere with the Press Council which he wanted to be an autonomous body. I know what he would do. If my hon. friend can accuse me of being a broker, then he is capable of doing anything. I am sorry that he has used this word.

So far as the rest of it is concerned, under the Act I will have to have the direction from the House because under the Act I have no power to make enquiries even of the Press Council. That my friend will accept. If the House asks me, I can make enquiry. Since the statement has been made by Shri Ganga Sharan Sinha, I can take advantage of that statement, on that statement I will collect facts from the Chairman, prepare a statement and place it before the House, and the House will be free to take any action it may desire.

SHRI BHUPESH GUPTA : He is going back on his word. He said he was ready to investigate on the direction of the House.

Let the House direct. We want, in all solemnity, to bind you to the mandate of the House. Good as you may be or bad as you may be—as the case may be—we want three of us to be associated with you, nominated by you, Sir. It is a very reasonable proposition. It is not a question of laying a statement. That you do, always you can do that. But the situation calls for investigation and probe within the framework of the parliamentary system and parliamentary way. Therefore, you yourself were good enough to make the suggestion. Today you accept my motion. The House will direct you. You challenge it. I will accept it.

SHRI A. D. MANI (Madhya Pradesh) : Sir, I have got a *locus standi* in this matter. I was a member of the Press Commission which recommended the establishment of the Press Council. I was a member of the Joint Select Committee which went into all the provisions of this Bill which became subsequently an Act.

I would not suggest, as you have done, that the matter should be held over for a week because even the fact that these allegations have been made requires a prompt enquiry immediately. I would not go to the extent of my friend, Mr. Bhupesh Gupta, and say that a formal Enquiry Committee should be appointed.

SHRI BHUPESH GUPTA : No, no. I say that he should enquire with our association.

SHRI A. D. MANI : Sir, you would have seen that even about the Press report of what happened yesterday, the Press has exercised great reticence in not publishing the very many allegations made against the Chairman who happened to be a very eminent Judge of the Supreme Court.

He was a Judge in Madhya Pradesh in Nagpur and for a number of years he was in the Judiciary. We want this matter to be enquired into by the Minister.

SHRI BHUPESH GUPTA : Why don't you ask us to be associated?

SHRI A. D. MANI :With the help of those Members whom you consider proper. Let it not be a formal Committee; informally the matter may be investigated and we should have an early debate, if possible on Monday, because you should not allow these allegations to go on record and create a very poisonous atmosphere.. (*Interruptions*) So, I would suggest that informally we may ask the Minister.

SHRI BHUPESH GUPTA : Sir, you give the ruling with regard to the suggestions I have made on the basis of a motion.

SHRI BANKA BEHARY DAS (Orissa) : Sir, I want to make a suggestion. I feel that under this very Act, this formal enquiry cannot be done. He can only enquire and get some information for us. But he has no *locus standi* in the matter, unless this House passes a Resolution either in the shape of a motion or in any other shape directing either him or a Committee with the association of somebody else to do that. That is why I propose here that the Committee should be constituted with the full authority of this Parliament so that the Minister or that Committee should enquire into the matter. Otherwise, the Chairman of that very Press Council will challenge the *locus standi* of the Minister that he is trying to go beyond the scope which has been given by the Press Council Act.

SHRI B. K. P. SINHA (Bihar) : I would like to say something. I do not know how Mr. Shah says on the one hand that he has no power, but then on the other he makes a further statement that if Parliament so desires, he will make enquiries.

SHRI K. K. SHAH : Not enquiry, I will get the statement.

SHRI B. K. P. SINHA : If Mr. Shah has no power, no Resolution of Parliament can give him power because a Resolution of Parliament does not have any superior position to the law enacted....(*Interruptions*). Therefore, while I also agree that there should be an enquiry before you give the ruling, Sir, please consider these aspects of the matter, whether the law leaves some scope for the exercise of power on such a motion in the Parliament of India. Because law means both the Houses and the President and when these three come together, then law is enacted. But a Resolution of the House is always in a far inferior position to that of the law of the land. If the law does not give him power, I do not see how a Resolution can give him power. Therefore, Mr. Chairman, please consider all these aspects and then decide on something.

SHRI K. K. SHAH : May I point out, first of all, that with a view to seeing that our proceedings are also kept correct and in view of the statement made by the hon. Shri Ganga Sharan Sinha, we must have a statement through the Chairman. I will therefore write to the Chairman on the statement so that he sends us his statement. The House will then take both the statements into consideration and then whatever action the House wants....(*Interruptions*).

SHRI BHUPESH GUPTA : Sir, do not go in for that. Kindly listen to me.

SHRI NIREN GHOSH (West Bengal) : Sir, if he cannot enquire.
(Interruptions).

THE MINISTER OF STATE IN THE DEPARTMENTS OF PARLIAMENTARY AFFAIRS AND COMMUNICATIONS (SHRI I. K. GUJRAL) : Sir, you have heard everything. You may consider all the arguments and give your view later on.

MR. CHAIRMAN : I shall consider all these aspects and will state my view of the matter. If you have any views you can tell me.

SHRI BHUPESH GUPTA : Very well, Sir.

MR. CHAIRMAN : The House stands adjourned till 2.30 P.M.



APPENDIX III

Observations of the Chairman of the Rajya Sabha on the 7th December, 1967 regarding references made in the House to the working of the Press Council

MR. CHAIRMAN : During question hour on December 5, in the course of answers to one of the questions, some members made certain statements in regard to the working of the Press Council. Shri Ganga Sharan Sinha, who is a member of the Press Council nominated by the Chairman of the Rajya Sabha, sought my permission at that time to make a statement as some reference had been made to him earlier in the course of questions and answers. I acceded to his request, and Shri Ganga Sharan Sinha made a statement in the House accordingly yesterday. In the course of his statement, Shri Sinha made some references to the working of the Press Council and to its Chairman. A number of members represented that since the statements made regarding the Press Council and its Chairman had certain serious implications, the House should have an opportunity of expressing its views thereon I said, I would consider all aspects of the matter and state my views.

The Press Council, as members are aware, is a body set up under an Act of Parliament. Certain statements have been made in this House reflecting not only on its working but also on its Chairman. I think, in fairness to the Chairman of the Council, the House should have before it also his version of the various points made. I would, therefore, suggest to the Minister of Information and Broadcasting that he might ascertain all the facts including the Chairman's views, and make a statement in the House in a week's time. Thereafter, the House can consider the further steps to be taken.

SHRI BHUPESH GUPTA : (West Bengal) : Sir, I have a submission to make. I am very glad that you have made this statement but may I point out one or two lacunae in it? First of all you have asked that the facts should be obtained from the Chairman by way of a statement from him which the House might consider. If you will remember, when Mr. Ganga Sharan Sinha made the statement he referred to very many things. For example, in the course of the discussion reference was made to the fact that the working journalists' representatives are not there. Therefore, it is relevant here that the Minister also places before us the statement of the Working Journalists' Association as to why their representation is going by default. Again, Mr. Chalapathi Rao has resigned; he is no longer there. He is not a Member of the House and therefore we do not know what he has to say. May be the statement that we get from the Chairman would not give his version; in fact, it would not. Therefore, it is necessary that the statement of Mr. Chalapathi Rao should also be available to us along with other relevant material.

You have given a ruling and I do not want to contest it, but it has its own problems. Now, I suggested, let it be enquired into, not formally, but looked into by the Minister, under the direction of the House and let three Members be nominated by you. Why did I say so, Sir? It is because, firstly, they are functioning under an Act of Parliament. Secondly, an important Judge is there. Naturally many legal complications may

arise. At least we should have given the moral authority by accepting this resolution. Suppose, Mr. Chairman, the Chairman of the Press Council says that it is an autonomous body and you know sometimes how the Judges look at law. He can very well say : 'I am not here to make any statement for the pleasure of Parliament.' You cannot stop him. Now, there is no authority with which we can approach him, not even the moral authority. Mr. K. K. Shah can go and ask him, but suppose he says 'No'. Therefore, I do not know how it is to be done. Besides, do we expect the statement that he is going to make would be an admission of the charges that had been made? On the contrary, he will give his version and, therefore, you bring him in direct conflict with our Member, Shri Ganga Sharan Sinha, who has resigned. Naturally that is a strange procedure. While we would like to find out from him...

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS AND COMMUNICATIONS (SHRI I. K. GUJRAL): What is happening, Sir?

SHRI BHUPESH GUPTA : He will make a statement. Only a one-sided version will come. Now, the Minister will not be in a position to examine it. All that the Minister can do under your ruling is to ask for a statement to come from the Chairman of the Press Council and then the Minister will lay it on the Table of the House, or whatever it is. This cannot satisfy at all the needs of the situation. Something much more important and more searching should be done in this matter. It is an extremely serious matter which should be understood.

SHRI GANGA SHARAN SINHA (Bihar) : Mr. Chairman, Sir. . . .

SHRI I. K. GUJRAL : Is he challenging your ruling, Sir?

SHRI GANGA SHARAN SINHA : I am not challenging his ruling and there is no question of his ruling being challenged. I do not know why the Minister is objecting. We are not challenging the Chairman's ruling. Every Member has a right to make a submission. What is wrong in it?

MR. CHAIRMAN : Let him state his view.

श्री गंगा शरण सिन्हा : सर, मैं ऐसा समझता हूँ कि अगर पूरी बात आप और यह सदन जानना चाहता है तो सिर्फ वहाँ के चेयरमैन का बयान ही नहीं बल्कि उन लोगों का बयान भी आना चाहिये जिनको नामिनेट किया गया और जिन्होंने कौंसिल का मेम्बर होने में इन्कार किया। पहली चीज।

दूसरी चीज यह है कि वर्किंग जर्नलिस्ट्स फेडरेशन, जिसका रिप्रेजेंटेशन उसमें नहीं है, का बयान भी आना चाहिये।

तीसरी चीज यह है कि जो बात हमारे और खुद सरकार के सामने है उसमें दूसरे किसी से पूछने की क्या जरूरत है, सरकार खुद उसके बारे में क्यों नहीं कहती? बहुत सी बातें मैंने ऐसी कही थीं जिनका सम्बन्ध सरकार से भी है, जैसे मैंने एक बात कही जिसका जवाब के० के० शाह साहब खुद दे सकते थे कि उनके पास ऐसी चिट्ठी आई है या नहीं आई है, जिससे उनको पता चला हो कि प्रेस कौंसिल में यह मामला उठाया गया कि प्रेस कौंसिल के चेयरमैन को राज्य सभा का मेम्बर नामिनेट किया जाय। इसके लिये प्रेस कौंसिल से पूछने की क्या बात है, इसे के० के० शाह साहब खुद कह सकते हैं कि उनके पास ऐसा खत आया या नहीं।

दूसरे अगर सारी चीज पर विचार करना है तो सारी बात सामने आनी चाहिये। मैंने जो सवाल उठाये हैं वे कुछ मूलभूत सवाल हैं। उनके बारे में गवर्नमेंट की भी जिम्मेदारी है, उनके बारे में गवर्नमेंट की क्या राय है यह भी सामने आना चाहिये, जैसे प्रेस कौंसिल के कांस्टीटयूशन के बारे में। मैंने जो अपने बयान में कहा केवल उस पर ही उनकी राय न मांगी जाय। परसों क्वेश्चन आवर में जिन-जिन मेम्बरों ने जो जो सवाल उठाये थे उन पर भी उनकी राय मांगनी चाहिये। कुछ सवाल ऐसे थे जो दूसरे मेम्बरों ने उठाये थे, मैंने नहीं उठाए थे अपने बयान में। इसलिये सारी चीज पर पूछा जाये।

अच्छा यह होता कि इसके पहले मुझे अवसर दिया जाता तो कंस्ट्रक्टिव तरीके पर, रचनात्मक तरीके पर मैं सुझाव दे सकता कि कैसे यह किया जाय। मैं ज़िच पैदा नहीं करना चाहता। जो मेरी एगोनी थी, परेशानी थी, एम्बरेंसमेंट था उसका आपके सामने इज़हार किया। मैं कोई दिक्कत पैदा नहीं करना चाहता। मैं चाहता हूँ कि यहां की बातचीत के बाद अपना निर्णय देने के पहले आपने मुझे मौका दिया होता तो मैं आपको ज्यादा कंस्ट्रक्टिव तरीके से सुझाव दे सकता था। जो हुआ है वह काफी नहीं है, उससे पूरी रोशनी नहीं पड़ेगी। पूरी रोशनी पड़ने के लिये जिनके नामों का मैंने उल्लेख किया है उनके बयान और उन्हें क्या कहना है यह बात सामने आनी चाहिये, तब शायद रोशनी पड़ सके, उसके बाद भी शायद और कुछ जरूरत पड़ेगी।

SHRI A. D. MANI (Madhya Pradesh) : Sir, I have some *locus standi* in this matter. If I may say so with great respect, the Chair has given a ruling which deserves the support of all sections of the House....

SHRI RAJNARAIN (Uttar Pradesh) : It is not a ruling. It is a decision.

SHRI A. D. MANI : That is my submission. We do not have the version of the Chairman before us and unless his version is before us, the House will not have all the facts of the case. I am in favour of a discussion. I am not standing against it....

SHRI BHUPESH GUPTA : We are for it, but that is not adequate. That is only one side of the case.

(Interruptions)

SHRI A. D. MANI : In regard to this matter the proper procedure should be followed. The Press Council has been at work for the past one year. We do not have even one interim report from the Press Council. When the Press Council Bill was before Parliament, the trade union witnesses, who appeared before the Committee insisted that the Press Council should be autonomous should be free from governmental interference and parliamentary interference excepting on a motion to discuss the report of the Press Council. What I would suggest is, in order to maintain the autonomy of the Press Council, we cannot raise matters about the Press Council, or any other autonomous body, just when we like. There is no report.....

SHRI BHUPESH GUPTA : If it is autonomous, we discuss the LIC.

SHRI A. D. MANI : On the basis of its report we are doing it. Here there is no report before us.

SHRI BHUPESH GUPTA : No, no. We do not accept that.

(Interruptions)

SHRI A. D. MANI : I am not allowed to make my submission. Let him have an interim report first and then he can raise the question of working journalists who have declined to serve on the Press Council. I want the procedure to be followed. I do not want any unhappy precedent to be set up by Parliament taking up matters concerning an autonomous body and commencing discussion here

SHRI BHUPESH GUPTA : This is wrong. This is entirely wrong.

श्री राजनारायण : मेरा निवेदन यह है कि द्रविड़ प्राणायाम क्यों हो रहा है। नाक पकड़नी है तो सीधे पकड़ी जाय, हाथ घुमाकर नाक पकड़ने से क्या फायदा ? हमारे प्रेस कौंसिल के जो चेयरमैन हैं उनको हम खूब जानते हैं। प्रेस कौंसिल के चेयरमैन का क्या बयान है वह हमारे पास आना चाहिये लेकिन केवल उस पर हमारे मंत्री जी एक बयान दें और उस पर हम बहस करें तो उससे कम्पलीट बहस नहीं होगी। प्रेस कौंसिल के चेयरमैन के बयान के अलावा जिन-जिन लोगों के नाम गंगा बाबू ने बताए हैं उनके बयान भी आने चाहिये। इसलिये मेरा निवेदन यह है कि जिन-जिन लोगों के नाम गंगा बाबू ने बताए हैं उनकी और वर्किंग जर्नलिस्ट्स फेडरेशन की क्या जानकारी है, उसको मंत्री जी सामने रखें, उस पर बहस हो, तब इस पर रोशनी पड़ेगी।

SHRI TIRLOKI SINGH (Uttar Pradesh) : Mr. Chairman, I have a suggestion to make. You have already ruled it. I would, in this connection, request you to ask the Minister concerned, when he is making a statement, to keep in view the suggestion made by my hon. friend, Shri Ganga Sharan Sinha, and so many other hon. Members of this august House like Mr. Bhupesh Gupta, Rajnarainji and others, in order to facilitate a full and free discussion of matters and suspicions that have been created about the functioning of the Press Council.

MR. CHAIRMAN : I stand by my ruling, but certainly, I am grateful for what Shri Triloki Singh has stated and I am sure the Minister will take note of the proceedings of today. I can assure you that I shall give the fullest opportunity for all discussions to take place later on and, therefore, there should not be any apprehension on anybody's part that the whole matter will not be discussed.

SHRI BHUPESH GUPTA : Let your Secretariat let it be known that the working journalists will submit a report to you for the year and it should be circulated among the Members.

MR. CHAIRMAN : The House stands adjourned till 2.30 P.M.

APPENDIX IV

Statement of the Minister of Information and Broadcasting laying a copy of the statement of the Chairman of the Press Council on the Table of the Rajya Sabha on the 14th December 1967 and further discussion arising out of it.

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI K. K. SHAH) : Madam Deputy Chairman, the Chairman, Rajya Sabha, was pleased to direct on the 7th December, 1967 that the Minister of Information and Broadcasting might ascertain all the facts, including the Chairman's (of Press Council) views and make a statement in the House in a week's time.

The Chairman of the Press Council has forwarded a comprehensive statement along with enclosures, which deals with the points made out by the Indian Federation of Working Journalists. It also deals with the points made out in the Rajya Sabha. In this connection, however, a copy of the Resolution passed by the 18th Annual Session of the Indian Federation of Working Journalists held at Nagpur on August 20-23, 1967 endorsing the decision of the National Council is appended herewith for ready reference.

We have addressed a letter to Shri Chalapathi Rau, but his reply is awaited. It is submitted that when the reply from Shri Chalapathi Rau is received, it will be placed on the Table of the House.

Since 14th December is the last date, the only alternative left to me is to file whatever information has been collected by us and then await the directions of the Chairman. If it is desired that we should write also to the four members who have resigned, we shall approach them. Our submission is that their points of view have been referred to by the Chairman of the Press Council and are clear from the enclosures filed by him. The Chairman of the Press Council has also expressed his readiness to send supplementary information or statement if so directed.

THE DEPUTY CHAIRMAN : Now, here also it is a very long statement.

(Interruption)

SHRI KRISHAN KANT (Haryana) : Madam,

SHRI K. K. SHAH : I am prepared to read it. It is 16 pages.

SHRI KRISHAN KANT : Madam, the hon. Minister has said that if the House wants, then he will get the statements or the views of those persons also who resigned. I think the House desires to have their views and so the Deputy Chairman may kindly ask the Minister to get their replies and place them before the House. Then we shall have a discussion on this.

THE DEPUTY CHAIRMAN : What have you to say, Mr. Bhupesh Gupta ?

SHRI BHUPESH GUPTA (West Bengal) : My submission is nothing much. We have already decided that the matter should be discussed in the House when the matter came up. Therefore, I would request you to find

time some time next week for a discussion on this matter on the basis of the material placed on the Table of the House and the statement made. The Chairman has already given a ruling on that.

SHRI A. D. MANI (Madhya Pradesh) : Madam, I would suggest, subject to your approval, that next Wednesday be fixed for a discussion on the statement and we may request the Minister of Information and Broadcasting to telegraph those four persons by that time and ask them to send their statements. Their attitude is well known in the resolution passed by the Federation of Working Journalists. Still he can send telegrams to them asking them to send their statements by the morning of next Wednesday and we can proceed on the assumption that the statement made by the Minister is complete.

SHRI KRISHAN KANT : No.

SHRI GANGA SHARAN SINHA (Bihar) : Madam, Deputy Chairman, if I remember correctly, I had made a submission that when the Minister makes his statement, by that time he must get the statements of the Chairman of the Press Council, the statement of the Federation of Working Journalists and also the statements of the persons who were nominated but declined to serve on the committee. And this request of mine was also endorsed or supported by Triloki Singhji and if I remember correctly, the Chairman was also pleased to give an order about that. Therefore, I would request that their statements also must be placed before the House. Secondly, I would like to know whether they have been approached or asked to send their statements.

SHRI K. K. SHAH : I made enquiries but unluckily.....

SHRI GANGA SHARAN SINHA : For his information, I may say that out of those four persons, only three are alive now. One is dead.

SHRI K. K. SHAH : If I can assure Ganga Babu, the statement of the Chairman, I must say, covers all the points made.

SHRI BHUPESH GUPTA : No, no.

SHRI GANGA SHARAN SINHA : No, no. This is the version of the Chairman. What is their version.

SHRI BHUPESH GUPTA : The statement should come from them.

SHRI K. K. SHAH : There is nothing missing. If you like, I will write to them.

THE DEPUTY CHAIRMAN : I am told that the Chairman had said that a comprehensive statement should be made by the Minister in-charge. Therefore, we may wait until he collects that information.

SHRI GANGA SHARAN SINHA : No. Why were they not approached so far when the directive was given?

SHRI K. K. SHAH : I went to the Secretary. Unluckily, the Chairman was not here and we tried to contact the Chairman outside also. Even then I collected the resolution passed by them and I thought the resolution of the Federation of Working Journalists contained everything you wanted.

SHRI GANGA SHARAN SINHA : I have gone through that not once but many times.

SHRI K. K. SHAH : Ganga Babu, it contains everything.

SHRI GANGA SHARAN SINHA : Even after the clear direction.

SHRI K. K. SHAH : I am sorry I was not present here.

SHRI GANGA SHARAN SINHA : I will quote the proceedings, if you want. It was specially mentioned that the version of those people who had resigned must also be there.

SHRI K. K. SHAH : I have gone through the proceedings. I tried to contact the Chairman. I have contacted the Secretary also. But if you want their statements, they are not here, one is in Calcutta and two are in Bombay, therefore, it will take time. As I said, the whole point made out by them is covered. So it may not be necessary from your point of view.

SHRI BHUPESH GUPTA : No, no. . . .

SHRI K. K. SHAH : All right, I will get that.

THE DEPUTY CHAIRMAN : The directions of the Chairman must be carried out. That is enough.

SHRI GANGA SHARAN SINHA : You must remember that the Chairman of the Press Council is also the authority to nominate Members. He has two capacities.

SHRI K. K. SHAH : That point has been taken.

SHRI GANGA SHARAN SINHA : The Press Council does not come anywhere in the picture so far as the nomination is concerned. The Press Council is out of it. It has nothing to do with the constitution of the Press Council. Only the Government and the Nominating Committee are concerned with the nomination of members. How can the Chairman of the Press Council give any statement on behalf of the Press Council? I do not understand. Regarding nominations of the members to the Press Council, the Press Council has no powers, no authority.

SHRI K. K. SHAH : If you go through the statement—the resolution was also sent to the Chairman—he has commented on what happened before the Council came into existence.

SHRI GANGA SHARAN SINHA : But what is the harm in contacting them?

SHRI K. K. SHAH : I will send a wire to them.

THE DEPUTY CHAIRMAN : He has agreed to do it. Let us pass on to the next item of business—Discussion on the Fourth Plan, Mr. S. N. Mishra.

*The following resolutions were adopted unanimously at the 13th Annual session of the Indian Federation of Working Journalists held at Nagpur—
August 20-23, 1967.*

PRESS COUNCIL

The annual conference of the IFWJ endorsed the decision of the National Council at Nagpur to withdraw its representatives from the Press Council as it is constituted.

It regrets that in spite of the strong views expressed by the sole representative organisation of working journalists in the country, no action has so far been taken by the Union Ministry of Information & Broadcasting to rectify the injustice done to the IFWJ in nominating the representatives of working journalists in the Press Council.

This session of the IFWJ is of the view that the composition and character of the Press Council are far from the requirements of law, contravening as it does the provisions of the Press Council Act and falling far short of the recommendations of the Press Commission.

The Government of India erred in the first place in inviting panels of names for constituting the Press Council from non-journalist bodies and even organisations noted for their anti-working journalist attitudes. The Selection Committee later brought in a proprietor as a representative of working journalists in the Council. There was also a clear breach of the recommendations of the Press Council Act when it nominated two members from one newspaper establishment. There was also a breach of the recommendations of the Joint Select Committee that there should be some experts to represent scientific technical matters and the arts, in that the members finally chosen to represent these interests can hardly be termed experts in these subjects.

The Press Council, even after being constituted in such a dubious manner has betrayed its character and the function expected of it when it decided that it need not formulate a code of conduct for the journalistic profession in the country.

This Conference, therefore, urged Parliament and the Government of India to take steps immediately to amend the Press Council Act to provide for dissolution and reconstitution of the Press Council in such a manner as to give full and proper representation to working journalists including working editors on the lines suggested by the Federation.

नयमेव नयते

Statement of the Chairman of the Press Council

The Chairman of the Press Council is grateful to the respected Chairman of the Rajya Sabha as well the Honourable Members for giving him an opportunity of placing before the august House relevant facts on the various points raised during interpellations on December 5 and 6, 1967, regarding the Press Council and particularly the statement made by Shri Ganga Sharan Sinha who is one of the eminent public men in the country and an esteemed member of the Council.

The misgivings expressed in the House by Shri Sinha and other Honourable Members in the course of the discussions arose, perhaps, out of some misunderstanding which, it is hoped, will be cleared by the factual information contained in this statement.

It was said that *this was the second year of its (Press Council's) functioning. Still there are only 22 members. Four posts have not been filled yet and in that sense the Press Council of India is incomplete. There is no representation for the working journalists.*

In this connection it is necessary to point out that under Section 4(3)(a) of the Press Council Act, 13 members are to be chosen from among the

working journalists. Even after the resignation of four members belonging to the Indian Federation of Working Journalists from that category there were nine working journalists in the Council till April, 1967, namely, Sarvashri A. E. Charlton (Editor, the Statesman), Sailen Chatterjee (Special Correspondent, Ananda Bazar Patrika), Durga Das (Editor-in-Chief, INFA), Frank Moraes, (Editor-in-Chief, the Indian Express), A. K. Jain (Editor, Nav Bharat Times), Mohammed Usman Farqualeet (Editor, Aljamiat), K. Kalyanasundaram (Editor, Nam Nadu), V. R. Narla (Editor, Andhra Jyoti), and Ratanlal Joshi (Editor, Hindustan). After the departure of Shri A. E. Charlton from India, there are at present eight working journalists as members of the Council. All of them, it will be seen, are journalists of standing and stature; some of them are well-known even in internationally. To say that the Council has no representative of working journalists would, therefore, be contrary to facts.

It is true that the Federation of Working Journalists, one of the three associations of journalists from which panels of names were invited, is not represented in the Council. Although circumstances and reasons for that are well-known, they may be briefly recapitulated.

Under the proviso to Section 4(5) of the Press Council Act "until the Council is established", associations from which panels of names are to be invited "shall be notified by the Central Government". In exercise of that power, the Central Government notified on 2nd July, 1966, the following Associations :—

- (1) Indian Federation of Working Journalists
- (2) All India Newspaper Editors' Conference
- (3) Press Association

Neither the Press Council nor its Chairman nor the Selection Committee had anything to do with the choice of these Associations.

Immediately following that the President, the General Secretary and a few prominent members and office-bearers of the Federation called on the Chairman several times in Delhi, Hyderabad and Bombay. The burden of their talk was that it had been IFWJ's "endeavour over years for the creation of the Press Council". They emphasised over and over again that no other organisation had any right to be regarded as an association of working journalists. This claim to exclusive right to represent the working journalists has been the recurring theme of their subsequent letters and representations in which they contested the competence of the other two associations, namely, the Press Association and the All-India Newspaper Editors' Conference to submit panels of names.

The members of the All-India Newspaper Editors' Conference, according to the Federation, "are representatives of the owners of newspapers", who, "act for and on behalf of the persons who own or carry on the business of management of newspapers." The Press Association is described by the Federation as "only a local assemblage of pressmen, publicity men, and Press Attaches stationed in Delhi". The Federation asserted that "none of these bodies, by any stretch of imagination, can be considered as the representative association of the working journalists".

No authentic data about the total number of persons engaged in the profession particularly on reporting, editing, processing of news etc., are available. The Report of Registrar of Newspapers covering the year 1966,

however, states that 230 dailies had during that year in their employ 3,073 exclusive correspondents stationed within the country; two hundred and seven dailies had 1,718 Reporters. Thus 437 dailies out of 549 dailies in existence in that year employed a total number of 4,701 journalists on the news gathering side alone. The number of persons in editing and processing of news (as distinct from those attending to printing, advertisement, management and house-keeping sides) in 294 newspapers, according to this Report, was 2,817. In other words, Correspondents, Reporters, Sub-Editors, Editors, Feature Writers, etc., engaged in a part of the daily press alone came to 7,608. The number of journalists, working on 8,091 publications—weeklies, bi-weeklies, tri-weeklies and other periodicals—in existence in the year is not known. Their number one should imagine runs into thousands. According to their own claim, the Federation of Working Journalists during that year had a membership of 2,800 which, as is well-known, includes Proof Readers too. However, it was for the Government to consider before issuing the notification under Section 4(5) whether the claim of the Federation as the sole organisation to represent the working journalists or whether the implied claim to the sole title to all the 13 seats in that category was valid or not. It was no concern of the Selection Committee (far less of the Press Council) in as much as it was bound to go by the Government notification, which is still in force, in this behalf.

The Selection Committee had chosen five representatives from the panel of names submitted by the Federation. All of them, except one, conveyed their consent in writing to accept the nomination and to serve on the Council. The only person who declined was Shri Chalapati Rau. At one stage during the several meetings the Chairman had with him to persuade him to join the Council did he (Shri Rau) give any specific reason for his inability to accept the membership.

All the four members belonging to the Federation tendered their resignations some time after the membership of the Council was announced. A writ petition was moved in the Delhi High Court contending that the Council had not been constituted in accordance with the provisions of the Act. The writ petition was dismissed by the High Court.

The members of the Council and the Chairman felt sorry that the four representatives of the Indian Federation of Working Journalists who had earlier accepted the membership, had chosen to withdraw from the Council without giving it a fair trial. In his opening address at the first meeting of the Council the Chairman made an appeal to them to reconsider the decision and thereafter wrote to each of them expressing the same sentiment and discussed the position with the then President. While one member rejected the request, others wrote to say that they must await the decision of the National Council of the Federation in this matter. As far as the Council is aware, no meeting of the National Council was held. But the Annual meeting of the Federation held at Nagpur in August this year reaffirmed its earlier decision and reiterated its stand which virtually meant that none but a member of the Federation was a working journalist and entitled to a seat under the relevant category of the Act.

Despite the eagerness on the part of the Council to enlist the participation of the Federation, it is regrettable that constant and raging campaign against the Council is being carried on by some members of the Federation in different forums. A few clippings from the official organ of the Federation and other publications are enclosed.*

*Not attached

Compromise efforts by Information & Broadcasting Minister

One point requires to be clarified in this connection. It has often been said that there was a dispute between the Federation and the Council and that the Chairman could settle it if he wanted to. This is not correct. The Federation's contention is, to repeat, that some persons could not have been selected under this category and that the only persons who could be selected as representatives of working journalists were members of the Federation. The Council has nothing to do with the selection of the members; neither the Council nor its Chairman has any authority to annul or vary the selection. Once the names of the persons selected by the Selection Committee are notified, they continue in office for three years unless they resign. Even assuming the selection is made in contravention of the Act, the status of a selected member whose selection has been notified cannot be ignored by the Council or by its Chairman. Error, if any, can only be remedied by a court of law. Nevertheless, when the Minister suggested that the Chairman meet the new President of the Federation, the Chairman readily agreed and met him (the new President). The Chairman told the President as well as the Minister what the legal position was and tried to persuade the President that in view of this, the best course for the Federation seemed to be to let its members join the Council.

The Chairman told the present President that if the resignations were not withdrawn, he would have no option but to accept them, but that even then it would be open to the Federation to modify the original panel for the consideration of the Selection Committee, if it so chose to do.

The Chairman accepted the resignations on 6th November, 1967, and asked the three associations of Working Journalists, as notified by Government, to submit fresh panels, if they so desired, for the consideration of the Selection Committee.

It is for the House to judge if keeping the door open for these months for four members of the Indian Federation of Working Journalists to return could be held against the Council, particularly in regard to the completeness of its composition. Although everybody in the Council regrets the absence of the Federation's nominees, the Council has not allowed its work to be impeded by their non-participation. The programme of work which the Council adopted at its first meeting is being implemented.

Consideration of unrelated matters by the Council

It has been alleged that *the Press Council has not given attention to matters which should be considered but had taken up questions unrelated to the functioning of the Press Council*. The Council has already submitted its first Annual Report to the Government; copies of this report have been laid on the table of both the Houses of Parliament. (A copy of the report is enclosed).* The report gives an account of what the Council has taken in hand. Section 12(2) of the Act lists the functions which the Council is required to perform. Amongst them, the Council has given priority to the "study of developments which may tend towards monopoly or concentration of ownership of newspapers" which comes under Section 12(2)(i) of the Act. The Council is also considering what steps it should take "to provide facilities for the proper education and training of persons in the profession of journalism". The institute which the Council is contemplating to set up and to which Shri Sinha has made a reference, forms part of this

*Not attached.

function which, as will be seen, has been assigned to the Council under Section 12(2)(h). For this purpose a committee of the Council is enquiring into the existing facilities for training journalists. The Council decided to set up a Research Division for surveying and ascertaining journalistic trends in English and some of the language newspapers and the staff required for this purpose is being recruited. The Council is dealing with complaints of alleged violation of journalistic ethics or offences against public taste by newspapers. Simultaneously, the Council is seized of several complaints of interference with the free functioning of the Press by certain organisations and authorities. The Chairman has visited the States concerned to make a first-hand study of the conditions there. His report on the subject will be considered at the next meeting of the Council to be held on December 27 and 28, 1967. The Chairman has engaged himself in the examination of the question of privileges of Parliament and the State Legislatures in so far as they affect the Press and would submit his views to the Council after his investigations are completed. All these figure in the list of functions laid down under Section 12 of the Act.

Nomination of Chairman, Press Council, as Member of the Rajya Sabha

As an instance of the Council dealing with questions unrelated to its functions it has been mentioned *that one of the items on the agenda was that the Government should be requested to nominate the Chairman of the Press Council as a Member of the Rajya Sabha.*

The Minister of Information and Broadcasting had written to the Chairman asking for the Council's views on the question of the extension of the Press Council Act to Jammu & Kashmir. He also enquired whether the Council had any other amendments to suggest. In the light of the experience of the working of the Council for little over a year several suggestions were put up before the Council for its consideration along with the question referred to it by the Government. One such suggestion was for making the Chairman of the Council an *ex-officio* Member of the Rajya Sabha which seems to have been misunderstood. The Press Council of India is a new experiment in a democratic set-up in more senses than one. It is, perhaps, the first and the only institution which, even though financed entirely by Government grants, has been deliberately kept out of Government control. But Parliament, which is the supreme legislative authority in the land and which provides the Council's funds from the Consolidated Fund of India, would naturally like to be apprised of the affairs of the Council. The Minister of Information and Broadcasting, through whom the grant of the Council is routed, is required to furnish the information. In view, however, of the autonomous status of the Council, he studiously and quite properly does not concern himself with the day-to-day activities of the Council. It was felt that the presence of the Chairman of the Council in the Rajya Sabha would facilitate the supply of full and first-hand information about the Council to the House whenever necessary. The suggestion was not made in a spirit of acquiring any special privilege for the present Chairman. The term of his office will continue only for another year and a half. Even if the suggestion were accepted by Parliament, the present Chairman would not benefit by it.

Minutes not written properly and for a long time

It was said *that even the proceedings of the meeting were not unanimous: proceedings written four to six months ago have not been finalised till today and that in the last meeting it had to appoint a sub-committee to finalise the proceedings of the meeting.*

The facts are that since December, 1966, the Council has held four ordinary meetings and one emergency meeting. The first meeting of the Council was held on the 12th and 13th of December, 1966. Minutes of this meeting were circulated to the members on the 2nd January 1967. Only one member (Shri A. R. Bhat) suggested a modification. The minutes, as revised, were unanimously confirmed by the Council at its second meeting held on 4th March, 1967. The draft minutes of the second meeting were circulated on 20th March 1967. These were confirmed with some verbal change suggested by only one member (Shri A. R. Bhat) at the subsequent meeting of the Council. The draft minutes of the third meeting held on 1st July, 1967, were sent to the members on 21st July, 1967. These minutes were confirmed without any modification at the fourth meeting of the Council held on September 27 and 28, 1967. Minutes of the last mentioned meeting were circulated on October 4, 1967. No change or modification was suggested by any of the members. It will thus be seen that the impression that there was no unanimity even on writing the minutes of the general meetings or that the minutes were not recorded properly is not borne out by facts.

There has, however, been some difference of opinion about the form and language of the minutes of the Emergency meeting held on the 17th May, 1967. These minutes came up for confirmation at the third meeting of the Council held in July, 1967. Some of the members who attended the meeting—and Shri Ganga Sharan Sinha in particular—felt that the minutes of this meeting were not recorded in the “conventional manner”. They also felt that although the minutes represented the consensus of members who attended the meeting against the immediate visit of Chairman to U.K., the language failed to bring out the fact fully that the majority of the members were opposed to such a visit. After some discussion, in order to proceed with consideration of other items on the agenda, the Council decided to postpone the confirmation of those minutes till its next meeting. Unfortunately, Shri Ganga Sharan Sinha was unable to attend the next meeting of the Council held on September 27 and 28, 1967. That meeting, therefore, decided to appoint a sub-committee consisting of Shri Durga Das to finalise the draft minutes for placing before the Council for its consideration. In view of their preoccupation it has not so far been possible to fix a date to suit the convenience of all the three members. Bearing in mind the circumstances of this particular case as described above, it would be apparent that any suggestion that the minutes of the meetings of the Council are, either by habit or by design, left unrecorded for four to six months or that they are manipulated is not only unwarranted but also unkind.

Chairman's Visit to U.K.

It was said that in the meeting held in Bombay it was decided by the majority that the Chairman should not visit U.K. for the purpose of meeting the Chairman of the British Press Council; despite this majority view of the Council, the Chairman had gone to London.

As already stated, it is a fact that some of the members in the Council felt that it would be premature for the Chairman to visit U.K. on behalf of the Council to meet his counterpart there unless, of course, an invitation was extended to him to do so. It is within the knowledge of the members of the Council that the Chairman performed the journey at his own expense and that no part of the Council's funds has been spent on it. He did so because he felt that it was necessary for him to study the working of the

British Press Council which by now had been firmly established. A first-hand knowledge of the actual working of the British Press Council, he thought, would be of substantial assistance to him in guiding and dealing with the affairs of the Council. It is also not a fact that any member of the Council had gone abroad at the expense of the Council as alleged by some.

Council not taken seriously

Apart from the points made by Shri Sinha, on which facts are placed before the House, there have been several other criticisms and complaints against the Council and its Chairman. It was stated in the House that the Council had not been taken seriously by the people, since according to one Hon'ble Member, only one complaint had been made to the Council since its inception. The fact is that the Council has so far received 28 complaints including one lodged by the Chief Minister of a State. A few complaints have been received from the Central Government and some State Governments also. A statement showing the complaints received so far is enclosed.* It is worthwhile to point out that even in a country like Great Britain where the public is relatively more conscious of what appears in the Press, the Press Council did not receive much attention either from the public or from the press during the first few years of its existence. It is only in recent years that the British people are turning increasingly to the Press Council there for redress against breaches of journalistic ethics by the Press. Bearing in mind the general reluctance of people in India to lodge complaints with judicial or quasi-judicial bodies, its record during the short period of 12 months since the Council started functioning is not unimpressive.

Behaviour of Chairman

An allegation has been made in the House that the Chairman is "behaving like a despot". It is for the members of the Council, two of whom are distinguished members of the Rajya Sabha to refute or endorse this charge. There can be no two opinions on the sentiment expressed by one of the Hon'ble Members that the Council "should not function according to the whims of an individual". It is known to the members of the Council that even in spheres where the Press Council Act has conferred sole discretion in the Chairman to act in certain matters, he has, as a matter of practice, always consulted his colleagues before taking any action on important matters. To cite one example, although the authority to accept the resignation of a member is vested solely in the Chairman by Section 5(4) of the Press Council Act, he had taken the entire Council into confidence and acted on their advice in this matter. The Council has indeed been functioning as a team united with the common purpose of serving the press of this country, minor differences of viewpoints notwithstanding.

Financial Irregularities

The Chairman is deeply pained by the allegation made in the House regarding financial irregularities in the Council and he has little doubt that Shri Sinha and the other members of the Council feel the same way. Under Section 19 of the Act, "the accounts of the Council are to be maintained and audited in such a manner as may, in consultation with the Comptroller and Auditor General of India, be prescribed". The inspection and scrutiny of the accounts of the Council for the year ending March 1967 have recently been conducted by a team of officers on behalf of the Auditor General of India, (A copy of that report is enclosed.)* The team did not find even a single lapse in handling the funds of the Council. In fact, the team in its

*Not attached

inspection report, which has been forwarded by the Council to the Government of India—and will in due course be placed on the table of the House—has remarked that “the general condition of the accounts of the Council was very satisfactory.” Although the normal time for the next audit would come only after March, 1968, the Council on its part, would be glad to place the accounts of the current year for the scrutiny of the Auditor General on any day he may choose to examine them. Accounts and records are open to examination at any time, even without previous notice, by members of the Council which includes four prominent Members of Parliament.

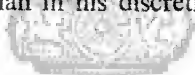
Parliamentary Control

The accusation that the Chairman claims immunity from Parliamentary control is far from true. About the financial independence of the Council, he has expressed his views which are already on record in some of the statements made in the Press, and need no reiteration. (Relevant excerpts from an article are enclosed).*

Vice-Chairman

It has been alleged that the Chairman has been trying to create a post of Vice-Chairman to provide “a berth for his friend”. Members of the Rajya Sabha are no doubt aware that the British Council has a post of Vice-Chairman. The Vice-Chairman performs the duties of the Chairman during the latter’s absence. It was felt that a similar functionary here will facilitate smooth working of the Council. However, this is only one of the suggestions which, if approved by the Council, will be forwarded to the Government for consideration. If the Act is amended to provide for the appointment of a Vice-Chairman, there is no doubt that the procedure for his appointment will also be laid down there; it is not likely to be a patronage to be extended by the Chairman in his discretion.

*Not attached



सत्यमेव जयते

APPENDIX V

Statement of the Deputy Minister of Information and Broadcasting along with the statements of the representatives of the Indian Federation of Working Journalists and Shri M. Chalapathi Rau laid on the Table of the Rajya Sabha on the 20th December, 1967 and discussions thereon.

THE DEPUTY MINISTER IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRIMATI NANDINI SATPATHY) : Sir, In pursuance of the directions of the Rajya Sabha arising out of the Minister's statement laid on the Table of the House in regard to the Press Council on the 14th December, 1967 and the supplementary interpellations thereon, the statements received from the following persons, who resigned from the membership of the Press Council, are laid on the Table of the House :

1. Shri L. Meenakshi Sundaram
2. Shri A. Raghavan
3. Shri R. Shamanna

I regret to say that the fourth Member, who resigned from the Press Council, namely, Shri A. C. Bannerjee, is no longer alive.

The statement from Shri V. N. Bhushan Rao, President of the Indian Federation of Working Journalists and the reply from Shri Chalapathi Rau have also been received and are placed on the Table of the House.

SHRI ARJUN ARORA (Uttar Pradesh) : Sir, there should be a discussion on this statement.

MR. CHAIRMAN : I have admitted a Motion so far as this is concerned and the Government must find time for discussion.

SHRI CHANDRA SHEKHAR (Uttar Pradesh) : Sir, I have a submission to make. My submission is that the Government should agree to constitute a Committee of Members of both Houses to go into the details of the question and when the Report comes only then a fruitful discussion can be had.

SHRI BHUPESH GUPTA (West Bengal) : No, no.

SHRI CHANDRA SHEKHAR : I am not going to be stopped by your saying no. Let me say what I want to say. What is this ?

Mr. Chairman, my suggestion is that the Government should appoint a Committee of Members of parliament to go into details of this whole question and only then a fruitful debate can be had and I hope the Government will agree to this proposal.

MR. CHAIRMAN : I have told you that I have admitted a Motion.

SHRI BHUPESH GUPTA : I agree; but the question when the discussion would take place should be settled today because we don't have much time left. We have ample material for discussion. I am told that on Friday

we are not having non-official business and we can take this up on Friday. It should be on that day.

श्री राजनारायण (उत्तर प्रदेश) : मेरा निवेदन है कि चाहे इस पर डिस्कशन आज हो, चाहे इस पर डिस्कशन कल हो, मगर प्रेस कौंसिल का पुनर्गठन होना आवश्यक है, उसमें विलम्ब नहीं होना चाहिये । आज प्रेस कौंसिल का डिस्कशन हो जाय, कल हो जाय, इसके बाद भी हम डिस्कशन ले सकते हैं हमारा मुख्य काम है कि प्रेस कौंसिल का पुनर्गठन किया जाय और पुनर्गठन होने में विलम्ब हो फिर भी हम डिस्कशन न करें तो यह हमारे साथ और अन्याय होगा । इसलिये अगर गवर्नमेंट एग्जोरेंस दे कि आजकल में प्रेस कौंसिल का पुनर्गठन हो जायेगा । तो यह डिस्कशन आगे के लिये टाला जा सकता है ।

SHRI BHUPESH GUPTA : The Act has to be amended. The position is this. The Press Council cannot be reorganised apart from the Act. The Act places all kinds of limitations and handicaps. The purpose of the discussion should be to impress upon the Government the need for amending the Act and they can do it in our absence by an ordinance.

श्री गंगा शरण सिंह (विहार) : अध्यक्ष महोदय, यहां प्रेस कौंसिल के सम्बन्ध में जो प्रश्न पूछे गये थे उन प्रश्नों के बाद इस सभा के प्रतिनिधि की हैसियत से प्रेस कौंसिल की क्या अवस्था है उसके सम्बन्ध में मैंने जो बयान दिया था उसके बाद ही यह मामला आगे बढ़ा और मंत्री महोदय ने, जैसा मैंने अनुरोध किया था और आपने आज्ञा दी थी, उन लोगों के बयान हम लोगों के सामने रखे जिन्होंने प्रेस कौंसिल की मेम्बरी स्वीकार नहीं की ।

जो परिस्थिति है उसमें मैं चाहूंगा कि प्रेस कौंसिल के सम्बन्ध में कार्यवाही शीघ्र होनी चाहिये, उसमें विलम्ब नहीं होना चाहिये । जो कानून है उसके मुताबिक प्रेस कौंसिल के रोजमर्रा के काम में, डे-टु-डे बकिंग में हम कोई दखल नहीं दे सकते । गवर्नमेंट यही कर सकती है कि पार्लियामेंट के सामने बिल लावे प्रेस कौंसिल ऐक्ट को एमेंड करने के लिये इसके अलावा उसके रोजमर्रा के काम में दखल देने का अधिकार नहीं है, और मैं समझता हूं कि दखल देना भी नहीं चाहिये, प्रेस कौंसिल की जो कल्पना है उसके खिलाफ भी यह होगा । अगर ऐसा हो कि बहस के बाद फिर कमेटी बने और वह रिपोर्ट दे, वह अगली बार सदन में आवे, उसमें काफी विलम्ब होगा । इसलिये मेरा सुझाव है कि गवर्नमेंट इस चीज को कबूल करे कि वह दोनों सदनों के सदस्यों की कमेटी बनावे और वह कमेटी सदन का सेशन समाप्त होते ही विचार करे और विचार कर जो सुझाव यह कमेटी दे, उनमें जो तुरन्त लागू किये जा सकते हैं उनको तुरन्त लागू करे और जो तुरन्त लागू नहीं किये जा सकते उनके लिये पार्लियामेंट में आवे और पार्लियामेंट में अगली बार बिल लावे ऐक्ट को एमेंड करने के लिये । तभी इसका सुधार होगा ।

एक बात और कह दूं । मैंने जो बातें कहीं थीं, जो प्रेस कौंसिल की तरफ से बयान आया है उसके रिमार्क में उन बातों से इनकार किया गया है । लेकिन जो घटनाएं बतलाई गई हैं, उनसे जो बातें मैंने कही थीं, उनका समर्थन होता है । जैसे मैंने कहा था, तीन संस्थाओं को नामजद किया गवर्नमेंट ने, न्यूजपेपर एडीटर्स कान्फ्रेंस, बकिंग जर्नलिस्ट्स फेडरेशन तथा प्रेस कौंसिल आफ इंडिया । बकिंग जर्नलिस्ट्स फेडरेशन का एक

भी आदमी कौंसिल में नहीं रहा है। अभी तक वही परिस्थिति है, वर्किंग जर्नलिस्ट्स फडरेशन का कोई आदमी प्रेस कौंसिल में नहीं है। मैंने जो कहा था—उसके लिखने में गलती हुई है—उसका आशय यह था कि तमाम वर्किंग जर्नलिस्ट्स का नहीं, बल्कि वर्किंग जर्नलिस्ट्स फेडरेशन का उसमें कोई प्रतिनिधि आज भी नहीं है। मैंने कहा था कि प्रोसिडिंग्स लिखे जाने में देर होती है। आप पायेंगे कि मर्ड के महीने में जो कार्य-वाही हुई उसकी प्रोसिडिंग्स आज तक आखीरी नहीं हुई है। तीसरी बात यह कही थी कि एसी चीजें, जिनका प्रेस कौंसिल से कोई सम्बन्ध नहीं है, उन पर प्रेस कौंसिल में विचार करने के लिये बाध्य किया जाता है, जैसे प्रेस कौंसिल का गठन क्या हो, किसने इस्तीफा दिया, किमने इस्तीफा नहीं दिया, उसके लिये क्या कार्यवाही हो। इससे प्रेस कौंसिल का कोई सम्बन्ध नहीं है, लेकिन प्रेस कौंसिल में यह मामला उठता रहा है। इसलिये इन चीजों पर गौर करना चाहिये और तुरन्त कार्यवाही करनी चाहिये। मैं सदन के सदस्यों से कहूंगा कि अगर अगले अधिवेशन तक हम इन्तजार करेंगे तो बहुत देर हो जाएगी। चाहे इस विषय पर बहस करें या न करें यह आपकी इच्छा की बात है, लेकिन एक कमेटी तुरन्त बननी चाहिये, दोनों सदनों की, और वह सुझाव दे। उन सुझावों में से जो तुरन्त लागू किये जा सकते हैं, उनको तुरन्त लागू किया जाये। जो तुरन्त लागू नहीं किये जा सकते उनके लिये सरकार अगले सेशन में बिल पेश करे, एक अमेन्डमेंट करने के लिये बिल भले ही अगले सेशन में लाए, लेकिन कमेटी अभी बननी चाहिये।

श्री राजनारायण : मैं गंगा बाबू से एक स्पष्टीकरण चाहता हूं। (*Interruption.*) मेम्बर से स्पष्टीकरण संसदीय प्रथा के सुताविक होता है। भूपेश जी ने शंका प्रगट की कि कानूनी दिक्कत है, गंगा बाबू प्रेस कौंसिल के नवनिर्माण की बात कह रहे हैं तो नवनिर्माण से और मीजूदा कानूनी दिक्कत से कोई अन्तमेल तो नहीं होगा यही मैं गंगा बाबू से पूछना चाहता हूं।

श्री गंगा शरण सिंह : नवनिर्माण पार्लियामेंट के कानून में संशोधन हो तभी हो सकता है।

SHRI BHUPESH GUPTA : I suggest, let these things be discussed. Let us also accept the suggestion for a Committee which would go into the matter with a view to recommending the kind of amendments that are needed to the Press Council Act because the Act has to be amended. Well, the Committee can work in the inter-session period in order to make recommendations to the Government—it may not be a Select Committee or any such thing—for the amendment of the Act. Let the amendment come on the basis of some discussion by competent people. In the next Session we can take it up. Meanwhile, when the Council is functioning under the present Act, steps should be taken to fill in the post and for that purpose the Government have enough powers to remove somebody or so. That should be explored, whether some undesirable people can be eliminated. Anyhow, I would ask the Government to hold immediate consultations with the working Journalists Federation, their representatives and others concerned, so that these places are filled. I think that is how we can have an integrated approach to this problem, viz., here discussion immediately, filling up the places, if necessary; also by eliminating the bad type of people—the Government have power—and finally amend the Press Council Act on the basis of suggestions made by a Committee of Members from the two Houses of Parliament.

(Interruptions)

MR. CHAIRMAN : Mr. Mani.

SHRI A. D. MANI (Madhya Pradesh) : You called me, Sir. I beg of the Members to listen to the words of a man who has been in the profession. I agree with Mr. Bhupesh Gupta that we should discuss the statement and suggest amendments to the Press Council Act. Regarding the other two suggestions made by Mr. Ganga Sharan Sinha and Mr. Chandra Shekhar, it will be a very unwise precedent to set up a Committee of Parliament to enquire into a body which is autonomous under the Press Council Act. If there is to be any amendment to the Act—I want to tell all the Members of Parliament, whoever they may be, whether Mr. Bhupesh Gupta or Mr. Ganga Sharan Sinha—without the co-operation of the profession the Press Council cannot function. One suggestion I would like to make to the Minister is that Mr. Ganga Sharan Sinha cannot bring forward an amendment to the Press Council Act and tell newspaper people like me to come and co-operate with the Council. All that we want is that the Minister should call the concerned parties and try to evolve an agreement, because without the consent of the profession, you cannot establish a Press Council either by amending the Press Council Act or by trying to foist some people according to your likes or dislikes. I want fair and frank discussion on this matter, but I would strongly oppose any Committee being appointed to consider the question of amending the Press Council Act because the voice of the profession must be listened to. The opinion of all the concerned parties must be taken.

SHRI MULKA GOVINDA REDDY (Mysore) : There is nothing wrong in what Ganga Babu and Shri Chandra Shekhar have proposed for the acceptance of the house. Parliament is supreme. We can appoint a Committee to go into the question of any statutory body, particularly the Press Council. It has been criticised on the floor of the House and so many criticisms have been levelled against the chairman of the Press Council. It is not working properly. We have before us the proposal made by Ganga Babu. It is a worth-while proposal. We should accept it and appoint a Committee to go into the question and suggest necessary amendments.

SHRI KRISHAN KANT (Haryana) : Now, two proposals have come. One is discussion in the House

SHRI BHUPESH GUPTA : That is settled.

SHRI KRISHAN KANT : A mere discussion would not be sufficient. If the Government decides to bring forward any amendment, I think Members of Parliament should be actively associated in thinking about the other aspects of the matter. Mr. Chandra Shekhar said that a Committee of both Houses of Parliament must be formed. Mr. A. D. Mani was apprehensive of such a Committee. This Committee can consult the Federation of Working Journalists and others concerned. The Committee of Members of Parliament should consider this aspect.

SHRI NIREN GHOSH (West Bengal) : I do not want to take the time of the House. I only say that the suggestion made by Ganga Babu is a wise one. In order to expedite matters the Government should listen to him and take steps immediately.

MR. CHAIRMAN : I would now say that the Government will consider Mr. Sinha's suggestion.

THE DEPUTY MINISTER IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRIMATI NANDINI SATPATHY) : Mr. Chairman, as regards the suggestion made by the hon. Members, Shri Ganga Sharan Sinha and Shri Chandra Shekhar, the Government is willing to form a Committee and I hope that the suggestions made by the hon. Member, Shri Mani, and other hon. Members, these details, will be taken into consideration by this committee. I hope we will come to some conclusion.

SHRI BHUPESH GUPTA : Therefore, I say, clinch it. Today is Wednesday.....

SHRI RAJNARAIN : On a point of order. मैं आप से यह जानना चाहता हूँ कि गवर्नमेंट क्या यह कह सकती है कि "आई होप", मैं उम्मीद करता हूँ कि सरकार कमेटी बनायेगी। जरा मुझे सुना जाय, हल्ला न किया जाय। मैं जानना चाहता हूँ कि सरकार कमेटी बनायेगी या नहीं स्पष्ट उत्तर आना चाहिये, बेग नहीं।

SHRIMATI NANDINI SATPATHY : The committee will be formed
.....सरकार कमेटी बनायेगी.....

(Interruptions)

SHRI CHANDRA SHEKHAR : Mr. Bhupesh Gupta, what is this? Let her answer.

MR. CHAIRMAN : The Minister is saying something.

SHRIMATI NANDINI SATPATHY : Why I said "I hope" because the terms of reference of the committee are not yet here now. So, I used that term.

मैंने कहा कि सरकार कमेटी बनायेगी।

MR. CHAIRMAN : Now, I think we have had sufficient discussion.

SHRI BHUPESH GUPTA : The Committee will be constituted.

Copy of letter dated the 17th December, 1967 from Shri L. Meenakshi Sundaram addressed to the Minister of Information and Broadcasting in regard to his resignation from the membership of Press Council.

I thank you very much for your telegram dated December 14, 1967 asking for my statement in the context of the discussion in the Rajya Sabha on the Press Council. The letter of the Under Secretary of the Ministry of Information and Broadcasting, Shri H. B. Kansal, was received on Sunday evening.

It will be appropriate here to recall briefly the circumstances which led to the withdrawal of the Federation's representatives from the Press Council. Immediately after the announcement of the names of the organisations from which the panels of names should be invited, the Federation, in a communication dated July 25, 1966, drew the attention of the Chairman of the Press Council that the selection of persons should be confined to the panel of names submitted by the all-India organisations in so far as it related to the selection of working journalists, and not from the bodies like the All India Newspapers Editors' Conference, an organisation of newspapers, periodicals and news agencies (*vide* Annexure III). The Federation gave the reasons duly supported by the relevant provisions of the Press Council Act. However, this position was not properly appreciated by the Chairman for the reasons best known to himself. In view of the serious and grave departures from the provisions of the Act in the matter of the constitution of the Press Council, the Federation's National Council rightly decided to withdraw its members from the Press Council (*vide* Annexure I). This decision of the National Council was endorsed by the Annual Delegates Conference of the Federation (*vide* Annexure II). In this connection, I wish to draw your kind attention to the detailed memorandum dated February 7, 1967 submitted by the Federation to the then Minister for Information and Broadcasting, Mr. Raj Bahadur, with a copy to the Chairman of the Press Council. The decisions of the Federation and its representation to the Chairman of the Press Council and the Government, with which I fully agree without any reservation, are self-explanatory. The statement of Hon'ble Shri Ganga Saran Sinha, M.P., and the discussion in the Rajya Sabha on the Press Council this month have completely vindicated the stand of the Federation and its members *vis-a-vis* the Press Council.

It should be stated here that the composition and character of the Press Council, as constituted at present, are not in accordance with the provisions of the Press Council Act. The Act has clearly stipulated that the Press Council should consist of thirteen working journalists including working editors. It has not envisaged the selection of proprietary editors, who own or carry on the business of management of newspapers and news syndicates, as working journalists. Some of the persons selected as belonging to

the category of working journalists are not working journalists within the meaning of the provisions of the Press Council Act. It may be some of the persons chosen as members of the Press Council are "journalists of standing and stature; some of them are well-known even internationally." This would not make them overnight "working journalists" within the meaning of the Press Council Act. To be chosen to represent working journalists, the persons *should not* be a person who owns or carries on the business of management of newspapers. It is unfortunate that the Chairman of the Press Council should have failed to appreciate this position. A great injustice has been done to working journalists as a class and to the Press Council because of the enlargement of the meaning of the term 'working journalist' to include proprietary journalists. Such inclusion has only resulted in raising the strength of the representatives of employers, and this is not warranted by law. It is too late in the day to contend that the AINEC is an organisation of working journalists or working editors.

Further, there is a clear breach of the provisions of the Act following the selection of two members from the same establishment.

Persons having special knowledge or experience in the field of education, science, literature, law or culture have not found a place in the Press Council. When Parliament provided for the nomination of three persons having special knowledge or experience in the fields of education, science, literature, law or culture, it should be inferred that lay people, who have nothing to do with the newspaper industry, should be associated with the work of the Press Council. But what we see in the Council now is different.

In view of the above, the categories listed in the Act have not been given due and proper representation. I therefore strongly feel that the Press Council is not validly and properly constituted. These above facts had been brought to the notice of the Chairman of the Press Council in time. But no step was taken to prevent or remedy the defects.

I submitted my letter of resignation with reasons for the withdrawal of membership to the Chairman on November 26, 1966. After some correspondence, the Chairman accepted the resignation on November 6, 1967 (Annexure IV). The Chairman has made no attempt to answer any of the valid objections raised by me and the Federation, and failed to give reasons for the outright rejection of the suggestions made by the Federation. The inference is obvious.

I strongly feel that in the matter of composition and character of the Press Council, every mandatory provision of the Act has been contravened, and this does not augur well for the Press Council which is expected to build up a code of conduct for newspapers and working journalists in accordance with the highest professional standards.

The Chairman of the Press Council, in his statement placed before the Rajya Sabha, has chosen to make a statement thus :

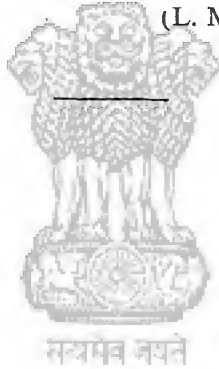
"The Chairman told the present President that if the resignations were not withdrawn, he would have no option but to accept them, but that even then it would be open to Federation to modify the original panel for the consideration of the Selection Committee, if it so chose to do.

"The Chairman accepted the resignations on 6th November 1967 and asked the three associations of working journalists, as notified by the Government, to submit fresh panels, if they so desired, for the consideration of the Selection Committee."

While making this statement, which is unfortunate, the Chairman seems to be under the mistaken impression that the Federation is more concerned with personalities selected and not the principles or policy. The Federation and its members always stood for the observance of well-established principles and took decisions after mature consideration of all aspects of the matter. In this case, the Federation found the composition of the Council bad in law. The Federation never at any time concerned itself with personalities as the Chairman of the Council wants to make out.

Rightly has the Federation decided to withdraw its nominees from the Council. It remains to be seen if the Press Council will continue to function with its present composition or it will be reconstituted in accordance with the provisions of the Act and on the lines recommended by the Press Commission.

(L. MEENAKSHI SUNDARAM)
17-12-67.



ANNEXURE—I

Copy of the Resolution of the National Council of the IFWJ (November 22, 1966)

"This meeting of the National Council of the IFWJ views with grave concern the manner in which the Press Council has been constituted. The composition and character of the Press Council, as announced, is far from the requirements of law and is not on the lines envisaged by the Press Commission and accepted as such by the Federation. The nomination of working journalists on the Council through certain bodies least entitled to represent them, is a clear and flagrant violation of the letter and spirit of the recommendations of the Press Commission. Even the Press Council Act envisaged that 13 members of the Council should be chosen from among working journalists of whom not less than six shall be editors of newspapers who do not own or carry on the business of management of newspapers, and that persons chosen should be working journalists as defined in the Working Journalists (Conditions of Service and Miscellaneous Provisions) Act read with S. 2(e) of Act 34 of 1965.

In view of the mandatory provisions of the Act, and in view of the serious departures made in the matter of listing of panels and selection of members, the new Council is not validly and properly constituted and the composition of the Council is contrary to the provisions of the Act. The composition also violated other provisions of the Act, which envisaged representation on the Council, among others, from all India representative bodies of working journalists, and as such, the IFWJ being the sole all-India representative body should have been the only organisation to suggest the panel of names of working journalists on the Council. But the Government of India, while implementing the Press Council Act, has violated the provisions in regard to representation of working journalists and called for panels from the organisations which by no stretch of imagination could be called representative body of working journalists. This created a new situation, and the IFWJ can never abdicate its rightful position as the sole representative organisation of working journalists in India nor disown its responsibilities to them.

The National Council further points out that the aims of the Council among other things, are to help newspapers to maintain their independence; to encourage the growth of sense of responsibility and public service among all those engaged in the profession of journalism; and to study developments which may tend towards monopoly or concentration of ownership of newspapers, including a study of the ownership or financial structure of newspapers, and if necessary to suggest remedies therefor. The Press Council, constituted as such now, will defeat the very purpose of these objectives and it cannot deliver the goods.

The Council, therefore, is of the firm view that the IFWJ and its members cannot in any manner associate themselves with the Press Council as at present constituted. It calls upon all members of the IFWJ, those who have been nominated on the Council to withdraw from it forthwith.

This meeting of the Council also calls upon the units of the IFWJ to create a strong public opinion and agitate to vindicate our views against the

arbitrary manner in which the Council has been constituted, till the whole question of constitution of the Council is reopened *de novo*.

The meeting also calls upon the President and the Secretary General to vigorously take up the matter with the Government of India and members of Parliament who passed the Press Council Act."



ANNEXURE II

Copy of the Resolution, adopted at the Annual Delegates Conference of the IFWJ held in August 1967.

(Given at pages 68-69)



ANNEXURE—III

Extracts from the revised Constitution of the All India Newspapers Editors' Conference (December 1964)

Clause 3 : Membership

(a) Any newspaper in the Indian Union, the publication of which is duly registered under the Indian Registration of Press and Books Act, or equivalent enactment and which has been in continuous publication for a period of twelve months preceding the date of its application shall be enrolled as a member on submitting an application in the prescribed form after it is approved by the Credentials Committee and confirmed by the Standing Committee.

(b) Any news agency or feature agency may be enrolled as a member in accordance with the procedure given in clause (a).

Clause 6 : Subscription

For the purpose of subscription members shall be placed in three categories, namely—Dailies, periodicals, and news agencies....

Clause 8 : Cessation of Membership

- (a) Membership shall cease when the member submits its resignation; or
- (b) When there is a declared default in the payment of subscription; or
- (c) When the member paper ceases publication or suspends publication of its own for more than three months.

ANNEXURE—IV

Copy of the letter No. 4/10/66-PCI dated November 6, 1967 from the Chairman of the Press Council to Shri L. Meenakshi Sundaram, Madras.

With reference to your letter No. nil dated Nov. 26, 1966 and subsequent correspondence on the subject resting with my letter No. 4/10/66-PCI dated 15th March, 1967 and in accordance with Section 5(4) of the Press Council Act (1965), I accept with regret the resignation of your membership of the Council.



Statement by Shri A. Raghavan, Secretary of the Indian Federation of Working Journalists, who resigned from the Press Council of India.

I resigned from the Press Council of India in pursuance of a decision taken by the Indian Federation of Working Journalists (IFWJ), a decision in whose making I played some part. After the names of the members of the Council were officially announced, we in the IFWJ came to the conclusion that the body was constituted arbitrarily in gross violation of the letter and spirit of the Press Council Act under which it was set up. Broadly the objections are as follows :

1. The Press Council Act provided for 13 working journalists including not less than 6 working editors free from proprietary and managerial interest in the establishments which they serve. It was our hope that there would be at least 7 working journalists in the Council but the distinguished members of the Selection Committee reduced the number to 5 and gave away two of our places to non-working journalists.

It is painful to mention names but not to do so would amount-to-sacrificing clarity. Shri Durga Das is included in the Council as a working journalist. A casual reference to the current Delhi telephone directory is enough to know that Shri Durga Das is the Managing Director of several publishing concerns. And neither the IFWJ nor the Press Association from whom Government had sought panels of names of working journalists had recommended his name. I wish to emphasise here that a working journalist under the Press Council Act is one who is totally unconnected with ownership and management. The inclusion of a Managing Director in the Council as a working journalist is thus a flagrant violation of the very letter of the law. I want to make it clear that I have nothing personally against Shri Durga Das being in the Press Council but I do maintain, as I did at the time of deciding to withdraw IFWJ nominees from the Council, that he cannot be in the Council as a working journalist.

The second man smuggled in as a working journalist is an editor, whereas editors have their own quota. By including these two persons the Selection Committee deliberately inflated the representation of proprietors and proprietor-editors in the Council at the expense of working journalists. The IFWJ had suggested several names of working editors but selection was made almost exclusively from the panel submitted by the All India Newspaper Editor's Conference which, incidentally, is not, by its own Constitution, an organisation of editors but of newspapers. It is regrettable that all the editors selected are not free from proprietary interests. At least one of the editor-member was a Director of a news agency.

2. The act provided for nomination to the Council of 3 persons having special knowledge or experience in the field of education, science, literature, law or culture. We in the IFWJ were unanimously of opinion that the 3 persons selected in this category were not shining examples of the world of science, literature and culture. Of the 3 persons chosen, Shri Shiva Rao and Shri Ishwara Dutt, are journalists retired long ago from the profession. Pardon my ignorance when I say that none of us in the IFWJ has been able to identify the third person selected in this category. We were not told from whose panels the 3 persons were drafted.

3. Further, the Act placed a general embargo on two persons being taken into the Press Council from one single group of newspapers. This provision was also wilfully violated. There were 549 daily newspapers in existence in 1966 but the Selection Committee in its wisdom chose 2 of the 5 working journalists included in the Council from Ananda Bazar group of papers.

4. All these lapses in the constitution of the Press Council repelled the IFWJ. Our misgivings were further confirmed when Shri Chalapathi Rau, Founder-President of the IFWJ, and presently a member of its Working Committee, declined to accept the membership of the Council. Whatever lingering doubts we had about the utility of even such a loaded body vanished when Shri Chalapathi Rau, the tallest among Indian journalists, decided to stay out.

5. After we put in our resignations we watched the reaction of Shri J. R. Mudholkar, Chairman of the Council, to some of the important points the IFWJ raised. His reaction was soon available. In his opening remarks at the first meeting of the Council in December, 1966, he was pleased to say that "On the basis of the interpretation placed on the provisions of the Act, the Selection Committee selected the members with due regard to the lists of names sent by three journalists' associations and two associations of proprietors." In the light of the series of violations of the letter and spirit of the Press Council Act committed while making the selection, which I have ventured to list in the previous paras, the concept of "due regard" pleaded by the Chairman made no sense to me and to my friends in the IFWJ. Shri Mudholkar's alibi that the selection was made on the "basis of the interpretation placed on the provisions of the Act" clinched the issue as far as I was concerned. Through interpretations they impounded the truth.

The aforesaid are broadly the reasons which compelled me to resign from the Press Council of India. As constituted, it would not serve the purpose for which it was set up, as it is heavily weighted in favour of those who believe and advocate that Indian Press needs to be free only from Governmental interferences and not from the industrial monopolies which control and pervert the bulk of it and, as the Monopolies Enquiry Commission has noted, influences or seeks to influence vital Government policies in a retrograde direction.

In August this year the 13th Annual Session of the Indian Federation of Working Journalists made a fervent plea to Parliament and Government to take steps immediately to amend the Press Council Act to provide for the dissolution of the Press Council and its reconstitution in such a manner as to give full and proper representation to working journalists, including working editors. I am heartened by the great debate that has taken place in the Rajya Sabha since then.

NEW DELHI

Sd/-

18-12-1967.

A. RAGHAVAN

Statement by Shri R. Shamanna, Vice-President, Indian Federation of Working Journalists in the light of discussions in Rajya Sabha on the Press Council of India

I thank Shri K. K. Shah, Union Minister of I&B, for the telegram asking me to issue a statement with reference to my resignation to the membership of the Press Council of India. I am also grateful to the elders for their keen interest in the affairs of the Press Council. The Press Commission which was constituted at the instance of Indian Federation of Working Journalists spared no pains in finding solutions to various problems facing the newspaper industry. Eminent men on the Commission including Shri Chalapathi Rao studied the industry from various angles in detail and produced a valuable report—the Bible of newspaper industry. The Press Commission strongly felt the need for a Press Council in institution of moral sanction and collective will of the profession and self-regulation for development of really a healthy Press.

After an agitation by IFWJ for over a decade, the Press Council Act was passed in some form. With all its defects, the IFWJ welcomes the act with the hope that the composition of the Press Council would reflect the true spirit of the act and the findings of the Press Commission. I accepted the invitation to join the Press Council with the same hope. Later, when the full list of Members was announced, I was shocked and surprised to find that Press Council was a packed house. A proprietor of a newspaper establishment got himself in the Press Council as a representative of the Working Journalists. Certain persons whose public image was not particularly clean, whose status cannot be defined and whose allegiance is also doubtful are selected to serve on the Council. Selection of 3 eminent persons from different walks of life under Section 4(3)(c) of the Press Council Act does not reflect the same spirit of the Act. Under these circumstances I had no other alternative except to resign the membership of the Press Council. National Council of IFWJ at its meeting on November 22, 1966 at Nagpur unanimously adopted the resolution directing its Members to withdraw from the Council and boycott it. Later, the annual session of the IFWJ held at Nagpur between August 20-23, 1967 reiterated the resolution and urged the Parliament and Government of India to take steps immediately to amend the Press Council Act on the lines suggested by the Federation and to provide for dissolution and reconstitution of Press Council as to give full and proper representation for working journalists including working editors on the lines suggested by the Federation. I fully endorse both the resolutions of the Federation and request the Parliament to scrap the Press Council as it is constituted now.

The Federation could not have been led to the decision to disassociate itself from this Press body just because of the differences over the distribution of seats. It differs fundamentally from the Government's interpretation of professional and representative character of different associations and from the Selection Committee's interpretation of the law. But Press Council as it is constituted now does not represent collective will of the profession and ethical content of the spirit of law to make it function

effectively and purposefully. Evidently thus an atmosphere was created to me where I could not have functioned in true spirit of the Press Council.

Justice Mudholkar while defending the constitution of the Press Council has categorically said that the Council consists of 9 working journalists at present but these working journalists either represent the newspaper or periodicals or proprietors. Most of them do not represent working journalists. As a former President of AINEC sincerely believed "the editors are literally agents of the proprietors", these so called 9 working journalists may be at the best considered as literally agents of the proprietors.

IFWJ is the only representative body of the principal functionaries in the Act of purveying news and views. It had a responsibility to the profession as well as to the public whose interest the Press was primarily required to serve. But most of the members of the AINEC if they are working editors they have surrendered their editorial freedom to their employers in self-interest or for pecuniary gains. As such, they can only represent proprietors and not the working journalists. The Selection Committee of the Press Council took advantage of certain imprecisely defined clauses of the Act and distributed favours. I once again endorse fully the stand of Indian Federation of Working Journalists in regard to Press Council.

Sd/-
(R. SHAMANNA)
18-12-1967



सत्यमेव जयते

Statement on Press Council of India by Shri V. N. Bhushan Rao, President of the Indian Federation of Working Journalists.

The Federation is grateful to Mr. Ganga Sharan Sinha for having brought into the open all about the Press Council that had largely remained concealed so far. But for his demand in the Rajya Sabha for an inquiry into the affairs of the Press Council, members of Parliament would, perhaps, not have had the chance of knowing how it has been constituted and how it has been functioning.

A great deal has been said about what have been appropriately described by Mr. Sinha as basic defects in the Press Council set-up. Now that the matter has come before the members of the Rajya Sabha, it is for them to draw their own conclusions.

The resolution passed by the annual conference of the IFWJ, a copy of which has been made available to the Rajya Sabha, presents the Federation's view on the Press Council, though in brief. This, coupled with the articles appearing in the "Working Journalist", appended by the Chairman of the Press Council himself, though for a different purpose would throw light on many obscure points.

What I would like to emphasise here, in all humility, is that it was the IFWJ and IFWJ alone that had striven hard for eleven years to see that the Press Council came into existence. And, when it came to be formed, everyone around woke up, as it were, and discovered that membership of the Council had certainly some charm about it and was worth trying for. While this sudden interest was certainly heartening to the Federation, it was the way that the Council was brought into existence that left much to be desired. This has been expressed in the Nagpur resolution of the IFWJ.

Certain remarks made by Mr. J. R. Mudholkar, Chairman of the Press Council, in his statement, however, directly concern us and it becomes my duty to refer to them.

Referring to the resignation of the IFWJ nominees from the Press Council (page 5 of his statement) he said : "while one member rejected the request, others wrote to say that they must await the decision of the National Council of the Federation in this matter. As far as the Council is aware, no meeting of the National Council was held. (Underscoring mine). This statement is likely to mislead those who read it, as it has a dangerous implication. He could as well have said he was not aware of it. But to say that so far as the Council was aware, no meeting was held would amount to committing Council as well as to a mis-statement. The National Council met in Nagpur in November, 1966. It is a matter of record.

One would perhaps say that here Mr. Mudholkar might have slipped, though badly. But what he said immediately after does not help to take

that view. He goes on to say: "But the annual meeting held at Nagpur in August this year reaffirmed its earlier decision (underscoring mine) and reiterated its stand which virtually meant that none but a member of the Federation was a working journalist and entitled to a seat under the relevant category of the Act." This it pains me to say, is a gross misinterpretation of the Federation stand. He says that the Federation stand "virtually" meant something. How irrational would it be if the Federation were to say that "none but a member of the Federation was a working journalist." But Mr. Mudholkar was prepared to present it to the Rajya Sabha as our contention.

Soon after our annual conference in Nagpur, I and our Secretary-General, Mr. S. B. Kolpe, met Mr. Mudholkar in Bombay at his request. We had a long discussion. It was informal. I would not have referred to it here, normally. But he has gone on record as having told me "what the legal position was and tried to persuade the President that in view of this, the best course for the Federation seemed to be to let its members join the Council."

In fact, I had pointed out to him that a scrutiny, strictly from the legal point of view, would certainly disqualify at least one of the men chosen by the Selection Committee from membership of the Press Council. He said that our objection was of a "technical" nature. I had to restrain the Secretary-General from telling him what he thought of Mr. Mudholkar's interpretation.

In the course of our talk, he said he fully appreciated our point of view and went so far as to say that from his own study of things, he would unhesitatingly say that there should be only one organisation of working journalists. I told him that if he held that view, there was no reason why he should not say that for the record. He readily agreed and did so the next day at a press conference and this was widely reported in the press.

Two things struck me. One was that he did not appear to care to check on the accuracy of the information that reached him. The second was that he was given to exaggeration.

II

He told me in the course of our talk that the "Working Journalist" was attacking him. Now that the Information Minister has made the clippings available to the Rajya Sabha, the Honourable Members would be able to draw their own inferences.

One thing I would earnestly submit. It was certainly not a campaign, ragging or otherwise, and definitely not against the Press Council as such. If certain views were expressed in the "Working Journalist", it was because the "Journalist" is the organ of the only all India organisation of working journalists. Is there anything strange about this?

The Chairman of the Press Council was at pains to make out that the Federation membership was only 2,800 while the number of working journalists in the country was several thousand, adding: "as is well-known, includes proof-readers too." This is very true. The Federation had

never any intention to inflate its membership figure merely to create an impression. The membership of the Federation is largely confined to cities. It has not yet reached the district level. Correspondents of papers working at district headquarters are mostly part-timers.

I would only point out that under industrial legislation, a trade union can claim to be recognised as a representative union, even if it has only a membership of 15 per cent of the total. If, in an industrial establishment, there are 10,000 employees, a union with only 15 per cent of them as its members can demand recognition as a representative union.

When the Government of India was setting up Wage Boards for the working journalists, it was only the IFWJ that was invited to name its representatives to serve on the boards. These boards fixed the salary scales for all the working journalists, including editors and the Government of India had never doubted the representative character of the IFWJ to shoulder this responsibility.

I am glad he has admitted that it was one of his concern to discuss our claim for a representative character, though in that process he has unwittingly brought in the Press Council again. It is unfortunate that Mr. Mudholkar, as Chairman, should equate himself with the Press Council.

Coming to composition of the Press Council itself, long before the three-members committee made the selection of members, my predecessor, the late Mr. A. C. Banerjee, had pointed out in a letter to the newly appointed Chairman, that the Federation alone enjoyed the recognition as the only all India organisation of working journalists. It was also pointed out to him that the All India Newspaper Editors' Conference could not be called an organisation of working journalists. One look at the description given by the Press Commission to the AINEC, that it was essentially an organisation of newspapers, would show where exactly it stood. Many, who are not editors and whose interest in their papers is more proprietary than journalistic, are also members of the AINEC.

It was never the IFWJ's claim that all the working journalists in the country are its members. That is its ideal and the Federation is striving in that direction. But it certainly becomes the Federation's concern to see that the 13 working journalists as Clause 4(3)(a) stipulates. It is not only the responsibility of the IFWJ to see that this is strictly adhered to but it is also the responsibility of Parliament. I would, therefore, appeal to the members of Rajya Sabha to see, whether by an inquiry, formal or otherwise, this provision had been confirmed to in the selection of the working journalist members to the Press Council.

As the Chief Justice of India was associated with the selection committee, the Federation entirely for reasons of decorum, had not criticised the selection. Our contention is that the concerned provision in the Press Council Act had not been adhered to.

At this stage it has also become necessary to point out that the selection committee has also violated yet another provision of the Act in selecting two members from the same group of papers. That the beneficiaries in this case are working journalists is no comfort to us. Our object is only to show that adequate care, obviously, had not been bestowed on selection. This lapse in selection was known to most people in the Press

Council and certainly to the Chairman himself, soon after the selection was made. How was it that he did not get this rectified?

As the Council has been badly constituted, from the legal point of view itself, the Federation appeals to Parliament that the Council be dissolved, the Press Council Act amended and the Council reconstituted, giving full and proper representation to working Journalists including working editors.

I am thankful to the Information Minister, Mr. K. K. Shah, for giving me this opportunity to present the IFWJ stand. We are deeply appreciative of the efforts of Mr. Shah to get the Press Council going on right lines and of the members of the Rajya Sabha to get it reconstituted.

V. N. BHUSHAN RAO

President

Indian Federation Working Journalists

18-12-1967



सत्यमेव जयते

Statement of Shree M. Chalapathi Rau on the Press Council

I did not resign from the Press Council. I refused to joint it. I refused to join, in spite of many attempts at persuasion, for reasons which I strongly felt, which were understood widely, and which I explained to the Chairman of the Council and to the then Union Minister for Information, Mr. Raj Bahadur, in the talks they had with me. As persuasion mounted, it seemed I was to provide some cover, and I could not agree to provide whatever cover I could.

I had taken sustained interest in the setting up of the Press Council for long years, from the time of the Press Commission, of which I had been a member. I was not in agreement with the departures made by the Government from the Press Commission's recommendations in the Press Council Act, but I wanted the Press Council to get a fair chance, whatever the defects in the legislation. A large section of the profession had expected me to be on the first Council and I had been looking forward to working on it. Everything depended on the composition of the first Council.

I had been to Europe and returned in the middle of September last year when I heard of the nominations that had been made. It was clear the selection committee had not justified the hopes that had been put in it. As soon as I received the letter informing me that I had been selected as a member of the Press Council, I wrote to the Chairman that it was not possible for me to accept the nomination. He immediately wrote a letter expressing his disappointment and his hope and desire that I would join the Council, and inviting me to tea. I wrote to him saying that I would see him some day but stating again that I was not prepared to reconsider my decision.

At my first, and only long, meeting with the Chairman, he showed me the list of nominations, and what I had heard was confirmed. I asked him why two persons from the same newspaper group had been nominated. He said that it was not legally barred. I then asked him why one editor and one managing editor were placed among the quota of seven seats supposed to be reserved for non-editor working journalists. (The act says that of the thirteen working journalist members not less than six shall be working editors. At the time of the discussion in Parliament, I wrote editorially that this was liable to be misinterpreted and that it should be provided that "not more than six" or "six" shall be working editors. My fears had come true.) The Chairman said that more than six working editors could be provided for.

When I asked the Chairman why one editor had been included among the non-editor working journalists, he said something to which I should not like to refer, as it refers to another member of the selection committee.

When I asked him why a managing editor was among the working journalists, I was told he was a working journalist also.

My next point was about the three members with "special knowledge or experience in the field of education, science, literature, law or culture". Two of the persons nominated were senior journalists, and, while they

could have been included among working journalists, if necessary, they could not be said to represent education, science, literature, law or culture. The Press Commission had envisaged the selection of an eminent educationist, an eminent scientist, an eminent writer, or an eminent lawyer among the lay element, apart from members of Parliament, but what the selection committee had done seemed like bringing in journalists by the back door. The Chairman's explanation was that the nominees were eminent persons. When I asked him about the lady member, he seemed to be evasive.

I heard a report that members of the Press Council had been selected and fitted later into the various categories. The proceedings of the selection committee alone can show whether there is any truth in the report.

The fears I had entertained were confirmed by the Chairman's explanations to me. They were not satisfactory. Neither my questions nor my doubts were unspecific. I did not want to argue with him and I was also polite. I met him two other times, on his suggestion, briefly, and each talk confirmed me in my decision not to join the Council.

I wanted the Council to have a fair chance, though I did not join it, and, as I told friends in the profession I did not want to spoil whatever chance there was by giving reasons in writing for not joining it. Everyone who knew me that I did not join the Council because of my grave objections to its composition, and I never stated anywhere that it inspired my respect. I had no doubt that the selection committee had failed to meet expectations and that, while some of the nominations were clearly a breach of the spirit of the provisions of the law, one or two were probably a breach of the letter of the law also. The Press Council, as it was composed, I strongly felt, could do no good.

I was throughout polite to the Chairman, but I made it clear to him that I did not propose to lend any semblance of support to the Council, about the composition of which I had strong feelings. It seems now I was probably overpolite.

The then Chief Justice, Mr. Subba Rao, happened to meet me and urged me to join the Council. I forthwith declined.

The then Union Information Minister, Mr. Rai Bahadur, had talks with me more than once and urged me to join the Council. I explained my objections to the composition of the Council. He extended his sympathy to me, but pleaded with me to give it a chance. I declined.

After what I have heard and read of the Press Council's functioning and a study of the Chairman's public utterances, I have had to change my views about the Council's selection, composition and functioning. I had put great faith in the judiciary and had been of the view that the Chairman should be a member with high judicial experience. I had held that the Chief Justice of India should nominate the Chairman, though I did not agree that the Chief Justice should be a member of the selection committee.

My faith that only judicial persons could ensure impartiality in selection has, I am sorry to say, not been strengthened and it seems the constitution of the selection committee has to be changed. The procedure of

selection also needs a change. Instead of members of the selection committee selecting persons from long lists, organisations should be allowed to nominate their representatives straight away. The basis of self-regulation in the difficult sphere of freedom of expression would be real if organisations, which could impose discipline on their members, were to be constituent organs of the Council. The lay element should not disturb the balance between working journalists and representatives of management and the industry. It is clear that the Chairman should not be a member of the selection committee.

The constitution of the present Council is contrary to the spirit of the Press Council Act. The impression is that such a Council can have no moral authority and that it might not have legal authority.

It should not be beyond Parliament's wisdom to scrap the present Council and amend the Act to see that a fresh Council which can make an attempt at self-regulation effective is constituted.

M. CHALAPATHI RAU

New Delhi.
19-12-1967



APPENDIX—VI
WITNESSES WHO TENDERED EVIDENCE

S. No.	Name of organisation/individual	Names of representatives	Date
1	2	3	4
1.	Indian Federation of Working Journalists	1. Sh. V. N. Bhushan Rao 2. Sh. A. Raghavan	6-4 68
2.	All-India Newspaper Editor's Conference	1. Sh. D. R. Mankekar 2. Sh. K. Subrahmaniam	Do.
3.	Press Association	1. Sh. Ranajit Roy 2. Sh. J. P. Chaturvedi	Do.
4.	Indian and Eastern Newspaper Society	1. Sh. K. Narendra 2. Mohd. Yunus Dehlvi 3. Sh. R. D. Seth	27-5-68
5.	Dr. N. B. Parulekar		Do.
6.	Press Trust of India	Sh. K. S. Ramachandran General Manager	Do.
7.	Shri Uma Shankar Dikshit, MP	—	Do.
8.	Do	—	28-5-68
9.	Shri A. K. Jain	—	Do.
10.	All-India Small and Medium Newspapers Editor's Association, Kanpur	1. Sh. Rama Shankar 2. Sh. Moin Farooqi	Do.
11.	Shri Durga Das	—	29-5-68
12.	United News of India	Sh. G. G. Mirchandani General Manager	Do.
13.	Hindustan Samachar News Agency	Sh. B. P. Agarwal, Secy.	Do.
14.	Shri Durga Das	—	30-5-68
15.	Shri A. D. Mani, MP	—	Do.
16.	Shri D. K. Kunte, MP	—	Do.
17.	Indian & Eastern Newspaper Society	1. Sh. K. Narendra 2. Mohd. Yunus Dehlvi 3. Sh. R. D. Seth	31-5-68
18.	Dr. R. R. Diwarka, MP	—	Do.
19.	Indian Federation of Working Journalists	1. Sh. V. N. Bhushan Rao 2. Sh. A. Raghavan	Do.
20.	'Tribune', Ambala	Sh. Madhavan Nair, Editor	Do.
21.	Shri Sailen Chatterjee	—	15-7-68
22.	Dr. L. M. Singhvi	—	Do

APPENDIX—VII

List of Persons who submitted Written Memoranda

1. Shri A. R. Bhat
2. Shri Ratilal Seth
3. Shri Feroze Chand,
General Manager, Samachar Bharati
4. Shri Ratan Lal Joshi.
Witnesses who, besides giving oral evidence, submitted written memoranda also
5. Indian Federation of Working Journalists
6. All-India Newspaper Editors' Conference
7. Press Association
8. Indian and Eastern Newspaper Society
9. All-India Small and Medium Newspaper Editors Association.

